

## EXHIBIT 30

STATE OF NEW JERSEY,  
Plaintiff,  
vs.  
JAMIE FARTHING,  
Defendant.

Date: November 21, 1996

Video Recorded  
Recording Operator, L. Ostapeck

I N D E XWITNESSESFOR THE DEFENSEDIRECTCROSSREDIRECTRECROSS

Jessie Farthing

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Kathy Farthing

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Paul Farthing

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FOR THE STATE ON REBUTTAL

Dr. Steven Simring

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EXHIBITSI.D.EVID.

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Report of Dr. Simring

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1 THE COURT: Are we ready to proceed, counsel?

2 MR. WEICHSEL: Yes, judge.

3 THE COURT: Did you get a chance to read that  
4 accomplice liability?

5 MR. WEICHSEL: Yes, Your Honor.

6 THE COURT: Any problems with it?

7 MR. WEICHSEL: No.

8 THE COURT: You just have to fill in the blanks,  
9 that's all.

10 MR. WEICHSEL: Yeah, obviously. I've got to put --  
11 got to put the right offenses in.

12 THE COURT: Felony murder is not a lesser included  
13 offense, is that correct?

14 MS. BAGLIVI: Of murder? No.

15 MR. WEICHSEL: No.

16 THE COURT: And there's no -- and there are no lesser  
17 included offenses --

18 MR. WEICHSEL: It was --

19 MS. BAGLIVI: Not of felony murder.

20 MR. WEICHSEL: No, no.

21 THE COURT: I just wanted to know that we all are  
22 agreed.

23 All right, bring up the jury please?

24 THE COURT OFFICER: Yes, Your Honor.

25 (PAUSE - THE JURY ENTERS THE COURTROOM)

1 THE COURT: All right, please answer when your name  
2 is called.

3 (JURY ROLL CALL TAKEN - ALL PRESENT)

4 THE COURT: All right, good morning, ladies and  
5 gentlemen.

6 THE JURORS: Good morning.

7 THE COURT: Juror number four, you're feeling better  
8 are you?

9 JUROR NUMBER FOUR: Yes.

10 THE COURT: You made it through the night? And you're  
11 clear thinking?

12 JUROR NUMBER FOUR: I'm sorry?

13 THE COURT: I say you're clear thinking?

14 JUROR NUMBER FOUR: Yes.

15 THE COURT: Okay. Now we're ready to proceed.

16 MR. WEICHSEL: Yes, Your Honor.

17 THE COURT: Mr. Weichsel, call your next witness  
18 please?

19 MR. WEICHSEL: Jessie Farthing please?

20 (PAUSE)

21 J E S S I E F A R T H I N G, WITNESS FOR THE DEFENSE, SWORN.

22 THE COURT OFFICER: You may be seated, sir. For the  
23 record would you please state your name and spell your last  
24 name?

25 THE WITNESS: Jessie Farthing, F-A-R-T-H-I-N-G.

1 THE COURT OFFICER: And the town you reside in, sir?

2 THE WITNESS: Conyers.

3 THE COURT OFFICER: Is that Conyers, Georgia?

4 THE WITNESS: Um-hum.

5 THE COURT OFFICER: Thank you, sir.

6 DIRECT EXAMINATION BY MR. WEICHSEL:

7 Q. Jessie, --

8 THE COURT: Just a minute, counsel. Mr. Farthing,  
9 you're going to speak up now. Don't just whisper, these people  
10 have to hear everything you say, so if you'd lean a little  
11 further -- not all the way up, but that microphone will pick up  
12 your voice and they'll hear it, okay?

13 THE WITNESS: Okay.

14 THE COURT: All right, Mr. Weichsel, go ahead.

15 BY MR. WEICHSEL:

16 Q. Jessie, how old are you?

17 A. Twenty two.

18 Q. And are you related to Jamie Farthing?

19 A. Yes, sir, I am.

20 Q. And what's your relationship?

21 A. I'm her brother.

22 Q. And do you see Jamie in court?

23 A. Did I see Jamie in court?

24 Q. Do you see her in court now?

25 A. Yes, I do.

1 Q. Point her out.

2 A. That's my sister.

3 MR. WEICHSEL: The record shows that he pointed out  
4 my client, Your Honor.

5 THE COURT: So noted.

6 BY MR. WEICHSEL:

7 Q. Now who -- who is your dad?

8 A. Paul Farthing.

9 Q. And your mother's name?

10 A. Kathy Farthing.

11 Q. Is that your natural mother?

12 A. No; my natural mother is Loopey Anderson, used to be  
13 Loopey Farthing.

14 Q. Now where -- where were you born?

15 A. Huntington, Indiana.

16 THE COURT: I'm sorry, where?

17 THE WITNESS: Huntington, Indiana.

18 THE COURT: Huntington?

19 BY MR. WEICHSEL:

20 Q. And when you were little do you remember who you were  
21 living with?

22 A. Loopey and Paul and a bunch of different people.

23 Q. A bunch of different people?

24 A. A whole bunch of different people at a bunch of different  
25 places. I can't really -- I couldn't really tell you how many

1 places and how many people.

2 Q. Okay, can you remember how many different states  
3 you've lived in?

4 A. Indiana, California, Florida and there's some my brother  
5 recalls that I don't even remember.

6 MS. BAGLIVI: Judge, objection. Judge, objection.

7 BY MR. WEICHSEL:

8 Q. Only tell us what you remember.

9 THE COURT: We don't want to hear about what your  
10 brother recalls, we only -- you can only testify about you,  
11 okay?

12 THE WITNESS: Oh, understood.

13 THE COURT: Okay?

14 THE WITNESS: What I remember? California, Florida,  
15 Indiana.

16 BY MR. WEICHSEL:

17 Q. Georgia?

18 A. Georgia is one, yes.

19 Q. Now --

20 A. All over Georgia.

21 Q. A lot of different places in Georgia?

22 A. Yes.

23 Q. And who -- who did you live with?

24 A. I lived with Loopey and Paul, my Aunt Phyllis, my Aunt  
25 Barb, a lady named Carla, a woman name Sue, and sometimes with



1 just Loopey because my dad would go off on jobs for long  
2 periods.

3 Q. When your dad -- let me ask you a question; how old  
4 is Jamie?

5 A. Twenty now.

6 Q. And you're 22?

7 A. Yes.

8 Q. And when you were little, when you can first start  
9 remember things, you -- do you remember what the relationship  
10 was between your dad and Loopey?

11 A. From what I recall not a very good one.

12 Q. And what -- what do you remember?

13 A. A lot of fighting. I never hung around that much, the  
14 fighting was so bad. They would throw stuff at each other,  
15 pretty much anything they could get their hands on; pots, pans,  
16 just -- I didn't even want to be inside our trailer, I just  
17 didn't want to be in there. I stayed outside until it was  
18 absolutely necessary that I came in and only then that I would  
19 go inside the trailer because it was -- it was a war zone in  
20 there, you didn't want to stay inside the house when they lived  
21 together.

22 Q. Do you remember, did there come a time that Loopey  
23 and Paul separated?

24 A. I don't really remember when they separated. I remember  
25 her being gone, but I had become used to people just coming in

1 and out of my life so it didn't really affect me until I  
2 noticed she was gone for a really long time. Then I stated to  
3 -- started to notice.

4 Q. About how old were you when she was gone for a really  
5 long time?

6 A. Six -- five or six.

7 Q. And was Jamie living with you then?

8 A. Yes.

9 Q. Okay. Do you -- was there a time -- now you have an  
10 older brother, Jason?

11 A. Yes.

12 Q. Okay. And there were the three of you? You're all  
13 natural brothers and sisters, right?

14 A. Yes.

15 Q. You -- Jason is what, 24, 23?

16 A. Twenty three.

17 Q. Okay. You're 22 and Jamie's 20, right?

18 A. Twenty, yes.

19 Q. No did -- did there come a time in your life when you  
20 wind up in California?

21 A. Yes.

22 Q. With Loopey?

23 A. Yes.

24 MS. BAGLIVI: Judge, I'm going to object to the  
25 leading nature of the questions.

1 THE COURT: Mr. Weichsel?

2 MR. WEICHSEL: Judge, I'm trying to direct him to a  
3 particular point in time. I'm not trying to lead, judge, and I  
4 will not lead from here on in.

5 THE COURT: All right, I understand, but be careful  
6 of the leading where you're putting answers in there. You're  
7 leading him into an area, I'll let you -- I'll give you some  
8 leeway on that.

9 BY MR. WEICHSEL:

10 Q. Tell me what you remember about how you got to  
11 California?

12 A. Well I remember -- actually I remember just about  
13 everything about that day because it was an exciting time  
14 because she said that she was going to take us to the zoo.

15 MS. BAGLIVI: Judge, objection as to what somebody  
16 else told him.

17 THE COURT: I'll allow it, go ahead.

18 BY MR. WEICHSEL:

19 Q. You can answer it.

20 THE COURT: You can answer that.

21 THE WITNESS: No one else told me anything.

22 THE COURT: Okay.

23 THE WITNESS: This is straight from recall.

24 BY MR. WEICHSEL:

25 Q. Go ahead.

1 A. I woke up and Loopey had told me we were going to the zoo.  
2 She said we were going to the zoo which was exciting to me. And  
3 I thought we were going to the zoo and we ended up getting on a  
4 bus and the trip to the zoo took two days and we ended up in  
5 California. And all three of us were under the assumption that  
6 we were going to the zoo.

7 MS. BAGLIVI: Judge, objection as to what -- judge, I  
8 object as to what other people assumed.

9 THE COURT: I'll allow it.

10 BY MR. WEICHSEL:

11 Q. Go ahead -- go ahead, Jessie.

12 A. Well I personally assumed we were going to the zoo and we  
13 ended up in California. I didn't know it was California until  
14 later. We could have been in Georgia for all I knew, but it  
15 was a two day bus trip.

16 Q. Where -- where did you stay in California?

17 A. At a bunch of different places.

18 Q. Who did you stay with?

19 A. Loopey and Luke at one time, in a cabin in the mountains.  
20 Loopey's grandmother one time -- and I think it was Fresno,  
21 California, with some of her relatives -- some of her relatives  
22 that I don't really like to remember, but I have to.

23 Q. Why don't you like to remember them?

24 A. And Arthur.

25 Q. Who was Arthur?

1 A. I think it was her nephew, our cousin.

2 Q. And how old were you when you were out in California  
3 about?

4 A. I had a birthday, six going on seven.

5 Q. And how old was Arthur?

6 A. Probably in his teens.

7 Q. And was Jamie with you in California?

8 A. Yes -- yes, we all three stayed together.

9 Q. And what don't you like to remember about Arthur?

10 A. Pretty mean person.

11 Q. Tell -- tell us about it.

12 A. Well he -- he made Jason rob a store one time -- not rob  
13 it as in give me all your money, but take some candy bars  
14 because I remember him coming back with candy and I also  
15 remember before he left Arthur would have a gun and he would  
16 like come up to us sometimes and he would come up to me, he'd  
17 hold the gun up to my head and say do you feel lucky today  
18 little kid and then he'd pull the trigger and make it click.  
19 And he did that often, two or three times a day.

20 MS. BAGLIVI: Judge, I'm going to object to this line  
21 of testimony as not relevant to this case.

22 THE COURT: Sidebar.

23 (SIDEBAR)

24 MS. BAGLIVI: Judge, I would ask that you --

25 THE COURT: All right, I want to see what's the

1 relevance?

2 MR. WEICHSEL: The relevance is that you know, Jamie  
3 told the social worker and the psychologist about being  
4 terrorized by Arthur and that -- that's -- that's come out in  
5 the testimony of the psychologist, judge.

6 MS. BAGLIVI: What does that have to do with this  
7 defendant -- this witness being terrorized?

8 MR. WEICHSEL: Because they were living together.

9 MS. BAGLIVI: I haven't heard -- I've heard nothing,  
10 absolutely nothing to suggest --

11 THE COURT: (Inaudible) that Arthur did to this  
12 witness has nothing to do with this defendant.

13 MR. WEICHSEL: Well I'll redirect it and ask him if  
14 he remembers anything regarding Arthur with Jamie then, okay?

15 MS. BAGLIVI: But -- but that's my concern. I want  
16 to make sure he was present and saw it. I mean if someone --  
17 if she told him or someone else told him that's hearsay. If he  
18 was present that's a different story but I haven't heard any of  
19 that.

20 MR. WEICHSEL: Well I also think, judge, you could  
21 assume that if these three children were together and living  
22 together and Arthur was there that, you know, that Arthur did  
23 this to --

24 THE COURT: Yeah, --

25 MS. BAGLIVI: How can you --

1 THE COURT: -- but we can't assume that the  
2 defendant's perception is the same as this young man's  
3 perception at the age of six; there's a difference of almost  
4 two years between them. She's four, so her perception as to  
5 what's happening --

6 MR. WEICHSEL: I think he said he was about seven, so  
7 she's five, okay.

8 THE COURT: He said six -- between six and seven.

9 MS. BAGLIVI: Going on seven.

10 MR. WEICHSEL: When he was out in California.

11 THE COURT: Yeah.

12 MR. WEICHSEL: His seventh birthday was out in  
13 California.

14 THE COURT: He said between six and seven, he doesn't  
15 remember which one.

16 MR. WEICHSEL: Okay.

17 THE COURT: That brings her down to about four or  
18 five..

19 MR. WEICHSEL: Okay.

20 THE COURT: What effect did any of this have -- that  
21 it has on her I don't know.

22 MR. WEICHSEL: Okay, so I'll ask him, judge, you  
23 know, regarding Arthur, whether he was present during any  
24 activities between Arthur and Jamie and if he says yes I'll ask  
25 him what he remembers.

1 THE COURT: All right.

2 MR. WEICHSEL: Okay?

3 MS. BAGLIVI: I don't have a problem with that.

4 THE COURT: Okay.

5 (END OF SIDEBAR)

6 BY MR. WEICHSEL:

7 Q. Jessie, regarding your cousin Arthur -- are you okay,  
8 Jessie?

9 A. Yeah.

10 Q. Okay. Regarding your cousin, Arthur, were you  
11 present with Arthur when there were any activities between  
12 Arthur and Jamie?

13 A. I remember that they would --

14 THE COURT: Just answer yes --

15 BY MR. WEICHSEL:

16 Q. Just answer that yes or no.

17 THE COURT: Yes or no.

18 THE WITNESS: I don't remember.

19 BY MR. WEICHSEL:

20 Q. You don't remember whether you were there when -- I'm  
21 just trying to clarify this. You don't remember --

22 THE COURT: Okay, just a minute. What is it you  
23 don't remember?

24 MR. WEICHSEL: Yeah.

25 THE COURT: I think that would clarify it.



1 MR. WEICHSEL: Okay, fine.

2 THE WITNESS: There was a lot of situations with  
3 Arthur.

4 THE COURT: No, the question is were you ever present  
5 between any activity between Arthur and the defendant, Jamie?

6 THE WITNESS: Yes.

7 THE COURT: You said you don't remember.

8 THE WITNESS: Yes.

9 THE COURT: You don't remember any activity between  
10 the two of them?

11 THE WITNESS: Yes, I do.

12 THE COURT: Okay.

13 BY MR. WEICHSEL:

14 Q. What -- what do you remember between Arthur and  
15 Jamie?

16 A. He shot her dog one time right in front of her and I  
17 remember her crying.

18 THE COURT: Just a minute; were you there?

19 THE WITNESS: Yes, I was.

20 THE COURT: Okay.

21 THE WITNESS: I was standing right beside her.

22 THE COURT: That's all we have to know, is you were  
23 there and -- and witnessed it or observed it. Not what you  
24 heard, you understand?

25 THE WITNESS: Yes, I --

1 THE COURT: Okay.

2 BY MR. WEICHSEL:

3 Q. What -- what did you see?

4 A. We had got a little puppy dog and Jamie was more fond of  
5 the dog, it was Jamie's dog. But we were playing with it one  
6 day and he came up with his car and when you seen his car it  
7 meant get out of the area, but he got out and we were playing  
8 with the dog. And he picked up the dog and he was like -- look  
9 -- something like we got a puppy or something like that, and he  
10 put the dog -- he was messing around with it at first, telling  
11 us what he could do with it. And then he ended up -- he put it  
12 in a plastic bag and he was like I could strangle it. Anyway,  
13 he took -- he took the dog, tied the bag around the puppy where  
14 just his head was sticking out and then he hung it up on the  
15 clothes line and he let it sit there for a while and then he  
16 just -- he took his gun out and he just -- he blew the puppy's  
17 head off. And we just sat there and watched. And I remember  
18 Jamie leaning over the puppy for a long time just crying.

19 Q. Do you remember anything else regarding Jamie? Just  
20 from what you -- what you saw, not what Jamie or anybody else  
21 told you?

22 A. I remember that he loaded us up in his truck one time and  
23 I don't like remembering this either, but like I said, I have  
24 to. And he had all three of us in his truck.

25 Q. Meaning you, Jason and Jamie?

1 A. Yeah, he had a truck. We -- he got us inside the truck  
2 and he took us down a dirt road and he was telling us about how  
3 he had killed somebody, put cigarette --

4 MS. BAGLIVI: Judge, I'm going to object as to what  
5 Art told this -- this witness, it's hearsay.

6 THE COURT: Well it's not -- it's not being offered  
7 for the truth of the statement that he killed somebody, it's  
8 ~~being offered for the fact that he said it. -- Okay? -- So that's~~  
9 really not the hearsay problem. It's being offered that it was  
10 said. Hearsay is a problem because it's -- when testimony is  
11 offered for the truth of the statement that's hearsay and that  
12 would be hearsay from somebody else because there's no  
13 opportunity to question the person who is giving the statement  
14 as to whether it's true or not. But this statement is not  
15 being offered -- if in fact Arthur makes that statement it's  
16 not being offered to the jury as the truth of the fact that he  
17 killed somebody, just being offered for the fact that he said  
18 it. All right? So I'm allowing it. Go ahead.

19 BY MR. WEICHSEL:

20 Q. You can answer it.

21 A. He -- we were going down a dirt road and he said that he  
22 had tortured somebody, put cigarette butts out in his eyes and  
23 done all kinds of stuff to him. And he dropped us off at the  
24 end of the dirt road where there was like a pond and he said  
25 that if we screamed or made any noise that it would make the

1 body float to the top and it would come and get us. And he  
2 dropped us off there and left. And we all three, we just  
3 huddled together and we -- we were there -- I don't know how  
4 long it was, but it could have been -- it could have been  
5 forever it seemed like and he came back and picked us up  
6 laughing the whole time.

7 Q. Do you remember anything else with Jamie there? No?

8 A. No.

9 Q. How long were you living -- you were living with  
10 Arthur?

11 A. For a while he lived in that same house.

12 Q. Do you know for how long?

13 A. No.

14 THE COURT: Careful in leading now, counsel.

15 MR. WEICHSEL: I know.

16 BY MR. WEICHSEL:

17 Q. Tell me, did there come a time that you wound up back  
18 with your dad, or the three of you did?

19 A. Yeah, we were --

20 Q. Tell me -- tell me how that happened?

21 A. We were at school. One of the schools we --

22 Q. Where -- where was the school?

23 A. I don't know, it was --

24 THE COURT: Sorry -- this is in California?

25 THE WITNESS: Yes.

1 THE COURT: You were in school in California; okay.

2 THE WITNESS: One of the schools and we were out in  
3 the playground and he just -- he just walked up and got us and  
4 took us and we got in the car and we were back in Georgia.

5 BY MR. WEICHSEL:

6 Q. How old were you when you went back to Georgia?

7 A. Seven.

8 Q. Okay. At that time, by the time you were seven,  
9 could you -- do you remember how many different schools you had  
10 attended?

11 A. No.

12 Q. Could you approximate, like more than five or more  
13 than ten?

14 A. More than five.

15 Q. What about Jamie? How many schools did she attend  
16 during that period of time?

17 A. The same amount we did. The only people that remained  
18 constant in my life is Jamie and Jason and until recently not  
19 even them.

20 Q. Now when -- when you went back to Georgia who did you  
21 live with first?

22 A. Paul for a while and then Aunt Phyllis for a long time.

23 Q. And did -- did Jamie come with you?

24 A. Yes.

25 Q. And do you remember -- where did Aunt Phyllis live?

1 A. Monroe.

2 Q. And where's that?

3 A. Georgia.

4 Q. How long did you stay with Aunt Phyllis?

5 A. Six months to a year.

6 Q. And then -- then where did you go?

7 A. After Aunt Phyllis' I think we lived with our Aunt Barb  
8 for a while, Aunt Barb and Uncle Rick in -- in Winder County.

9 Q. Is that in Georgia too?

10 A. Yes.

11 Q. And every time you moved Jamie came with you?

12 A. Yes.

13 MS. BAGLIVI: Judge, objection to the leading  
14 questions.

15 THE COURT: I'll allow it, go ahead. Be careful. I  
16 don't have any problem with that.

17 BY MR. WEICHSEL:

18 Q. When you moved did you stay in the same school or did  
19 you have to change schools?

20 A. Changed schools.

21 Q. And after Aunt Barb, and I think you said Uncle Rick  
22 I think?

23 A. Yes.

24 Q. Where did you -- how long did you stay there?

25 A. For about a year.

1 Q. Where did you go after that?

2 A. I think we went back to Conestoga (phonetic) Trailer Park  
3 for a while, I'm not for sure.

4 Q. And who was in the Conestoga Trailer Park?

5 A. Paul; dad.

6 Q. Was he living with anybody?

7 A. I think Sue and five other kids.

8 Q. How long did you stay at the Conestoga Trailer Park?

9 A. It all blurs together; I don't even know if it occurred in  
10 that order, but I guess we stayed there for a while; a year, I  
11 -- I don't really know times.

12 Q. And when you went to Conestoga Trailer Park did you  
13 all have to change school again?

14 A. Yes.

15 Q. And where -- where else did you live?

16 A. We lived with a woman named Darla and a guy named Doc for  
17 a while in a house that I don't even know where it was and that  
18 was for a short period of time.

19 Q. Who were Darla and Doc?

20 A. I can't really remember them, I just remember living with  
21 them.

22 Q. Was Jamie there too?

23 A. Yes.

24 Q. And did you have to make a change in schools?

25 A. Yes.

1 Q. Where else?

2 A. There was -- then after that I think he met Kathy and we  
3 lived in Rosewood Trailer Park for a while.

4 Q. And did that -- you were changing schools?

5 A. Yes, to Conyers School System.

6 Q. About how old were you when -- when Paul met Kathy?

7 A. Eight.

8 Q. And how long did you live in that trailer park?

9 A. Not even a year.

10 Q. Then where did you go?

11 A. From the trailer park? Yeah, I went from Rosewood -- we  
12 moved to the house I'm living in right now in Conyers.

13 Q. Now do you remember -- how did -- how did Paul --  
14 when you lived with Paul how did he discipline you, Jason and  
15 Jamie?

16 A. With a paddle.

17 MS. BAGLIVI: Judge, I'm going to object as to how he  
18 disciplined this person or the other brother; it's only  
19 relevant to this issue and only if he was present.

20 THE COURT: Overruled.

21 BY MR. WEICHSEL:

22 Q. You can -- you can answer the question.

23 A. With a paddle.

24 Q. What kind of paddle?

25 A. A wooden paddle.



1 Q. Did you see him discipline Jamie with a wooden  
2 paddle?

3 A. Yes.

4 Q. What kind of things would he discipline Jamie with --  
5 with the wooden paddle?

6 A. You mean what would she do to get a paddling?

7 Q. Yeah, uh-huh.

8 A. ~~Bad grades, not cleaning up.~~ If he came home and the  
9 house was dirty it would -- it would mean five licks for us and  
10 three for Jamie. And for bad grades.

11 Q. And how long -- till what age did -- did he use the  
12 paddle if you remember?

13 A. Probably around 14; 13 or 14.

14 Q. And what was Jamie's relationship with -- with Kathy?  
15 Do you remember?

16 MS. BAGLIVI: I'm sorry, could you repeat that  
17 question?

18 BY MR. WEICHSEL:

19 Q. What was Jamie's relationship with Kathy.

20 MS. BAGLIVI: Judge, again I'm going to object unless  
21 it's from personal knowledge.

22 THE COURT: Sustained. Sustained -- sustained, it's  
23 too broad a question to begin with and what he knows, there's  
24 no foundation to the question.

25 BY MR. WEICHSEL:

1 Q. Did you observe -- did you see Jamie and Kathy  
2 together?

3 A. Yes.

4 Q. Did you see when they were together how they got  
5 along?

6 A. Never too good; Jamie and Kathy never really got along.

7 Q. Describe what you saw.

8 A. They just wouldn't get along; arguing, sometimes -- I saw  
9 them fight one time where -- we lived in Eastman at the time.  
10 After we got through living in Rosewood we moved to Conyers, we  
11 stayed in Conyers for four years and then we moved to Eastman,  
12 change of schools. Now before we moved to Eastman after  
13 Conyers we moved to Hawkinsville and stayed there for two  
14 years, change of schools. And then in Hawkinsville Jamie and ma  
15 never got along. And then after Hawkinsville we moved to  
16 Eastman and stayed there for a year. And in Eastman one  
17 morning I came in and Jamie was sitting watching T.V. and she  
18 had -- she had a glass of milk that had been sitting out over  
19 night and ma came in and she was so mad that Jamie didn't put  
20 the glass of milk in the sink that -- and I don't even know how  
21 I'm remember this -- that she took the glass of milk and threw  
22 it at Jamie and it went all down Jamie. And Jamie got up and  
23 it wasn't going to -- she wasn't going to slap her, I think she  
24 was going to run to her room and lock the door, which she did  
25 all the time in Eastman. But she got up and mom grabbed her

1 arms and threw her back down in the chair and Jamie just had a  
2 startled look on her face and she went to slap ma and then  
3 Jamie started slapping her and I pulled them apart. So the  
4 relationship was never good, never. I don't ever remember them  
5 getting along.

6 Q. Do you remember summer 19 -- do you remember 1994,  
7 two years ago? Did there come a time that --

8 THE COURT: I'm sorry, I didn't hear an answer.

9 MR. WEICHSEL: He shook his head.

10 BY MR. WEICHSEL:

11 Q. Sir, did you shake your head yes?

12 A. Yes.

13 Q. You've got to answer verbally because everything in  
14 this courtroom is being recorded.

15 A. Okay.

16 Q. There are video cameras all around that -- that  
17 record everything and -- and take down words and if there's a  
18 transcript made they can't take down nods of the head, they can  
19 only take down words. Do you understand that?

20 A. Yes.

21 Q. So you've got to answer in words. So what was the  
22 answer to that question?

23 A. Yes.

24 Q. Now what happened in the -- did anything unusual  
25 happen in --

1 A. Loopey came.

2 Q. -- the late spring of 1994?

3 A. Loopey came back. She was wanting to see us and gain  
4 custody again.

5 Q. Now did anything else happen regarding Jamie and  
6 living at the house in Conyers?

7 A. Not that I recall.

8 Q. ~~Well was anybody asked to leave the house?~~

9 A. Yes.

10 MS. BAGLIVI: Judge, objection; leading.

11 THE COURT: I'll allow it, go ahead.

12 BY MR. WEICHSEL:

13 Q. Who -- who was asked to leave the house?

14 A. Me and Jamie.

15 Q. Do you know why Jamie was asked to leave the house?

16 MS. BAGLIVI: Judge, objection unless he was there  
17 for that conversation.

18 BY MR. WEICHSEL:

19 Q. Were you there for the conversation?

20 A. Yes, I was; for staying out all night.

21 Q. For staying out all night? Okay.

22 A. Yes.

23 Q. And why were you asked to leave the house?

24 A. Jason had been kicked out of the house all the time so  
25 when I graduated I was expecting to get kicked out. It didn't

1 even come as a shock or surprise because Jason had been thrown  
2 out all the time. When we moved to Eastman there wasn't -- he  
3 was only around for short periods of time before he -- dad  
4 would tell him -- you'd see him in the living room packing up  
5 his stuff again and he told -- when he told me to get out of  
6 the house it didn't come as a surprise, I was expecting it sort  
7 of. But when he told Jamie that she had to leave too then it  
8 -- huge amounts of responsibilities because then I had to take  
9 care of my sister. But he told us -- he told the both of us to  
10 get out. And we -- we stayed in -- we slept in her station  
11 wagon for three or four nights and I got her a place to stay  
12 with some of her friends and I traded my bass guitar with an  
13 aunt for a bike so I could get around while she stayed with  
14 some of her friends in her car. And I slept on -- I slept on  
15 the ground a couple of nights and I slept with friends here and  
16 there for a while. And then I got in touch with Jason and he  
17 said that he had --

18 MS. BAGLIVI: Judge, objection as to what Jason said.

19 THE WITNESS: He said he had Loopey's phone number.

20 THE COURT: There's an objection.

21 THE WITNESS: We somehow got Loopey's phone number.

22 MS. BAGLIVI: Judge --

23 BY MR. WEICHSEL:

24 Q. You can't -- you can't answer until the judge makes a  
25 ruling.

1 THE COURT: He answered it, he got her phone number.  
2 Go ahead; he got Loopey's phone number somehow. Go ahead.

3 THE WITNESS: I somehow got Loopey's phone number and  
4 so I called her because I didn't have no place to go and  
5 someone told me that they had a house --

6 MS. BAGLIVI: Judge, objection.

7 THE WITNESS: -- in Union City.

8 MS. BAGLIVI: Judge, objection.

9 THE COURT: When -- when there's an objection you  
10 have to stop, all right?

11 THE WITNESS: Okay.

12 THE COURT: You can't tell us what someone else told  
13 you.

14 MS. BAGLIVI: That was my objection.

15 THE COURT: All right, Mr. Weichsel, would you just  
16 ask a question? I don't want to continue with a colloquy like  
17 this because we get problems.

18 MR. WEICHSEL: Fine.

19 BY MR. WEICHSEL:

20 Q. As a result of this conversation you got a phone  
21 number, is that right?

22 A. Yes.

23 Q. And what was that phone number to?

24 A. Loopey.

25 Q. Did you get in touch with Loopey?

1 A. Yes.

2 Q. Did -- do you know if Jamie got in touch with Loopey  
3 of your own personal knowledge?

4 A. Yes.

5 Q. And what happened with Jamie and Loopey?

6 A. We didn't get to stay there the first night because we  
7 couldn't find it, but Jamie talked to Loopey a lot over the  
8 phone before we got there. And we couldn't find the place in  
9 Union City so we went back to Conyers and stayed there for a  
10 couple of nights.

11 Q. Do you know who Ed Kummer is?

12 A. Yes, she was one of the persons Jamie stayed with for a  
13 couple of nights.

14 Q. And where does he live?

15 A. In Conyers.

16 Q. Okay. Was he a friend of yours?

17 A. Yes.

18 Q. Do you know where else Jamie stayed?

19 A. With a girl name Amber Reed and Eddie Kummer; those are  
20 the two people she stayed with.

21 Q. When was the last time that you saw Jamie before she  
22 went to New York?

23 A. She lived with us in -- with Loopey in Union City for a  
24 while, for two or three weeks.

25 Q. And how big was Loopey's house?

1 A. It was average size; it wasn't that bad.

2 Q. And who else -- who all was living there?

3 A. Me, Jason, Jamie and Luke lived there.

4 Q. And Loopey?

5 A. And Loopey.

6 Q. Okay. Before the summer of 1994 when as the last  
7 time that you had had any contact with Loopey?

8 A. ~~The last time I saw her was when I left California.~~

9 Q. And do you know when the last time was that Jamie had  
10 had any contact with Loopey before the summer of 1994?

11 A. Just that summer when Loopey came back to get us Jamie saw  
12 her on what we called the trails where we had rode our bikes.  
13 She pulled up and Jamie gave her a hug and then she came -- dad  
14 went and got her and she came back to the house crying.

15 Q. How old was Jamie then?

16 A. Nine, ten.

17 Q. So -- just so I understand it, so from the time Jamie  
18 was nine or ten till the time the summer of 1994 she hadn't any  
19 contact with her mother, is that right?

20 A. Right.

21 THE COURT: If he knows.

22 BY MR. WEICHSEL:

23 Q. If you know.

24 THE COURT: Do you know if she had any contact?

25 That's the answer, just yes or no. Do you know whether she had



1 any contact?

2 THE WITNESS: Yes; I know she didn't have no contact.

3 THE COURT: She didn't as far as you know?

4 THE WITNESS: She didn't.

5 THE COURT: Go ahead.

6 MR. WEICHSEL: Thank you.

7 THE COURT: Is that it, Mr. Weichsel?

8 MR. WEICHSEL: Yes, it is, judge.

9 THE COURT: Your witness.

10 MS. BAGLIVI: Thank you.

11 CROSS EXAMINATION BY MS. BAGLIVI:

12 Q. Mr. Farthing, you were born September of 1974?

13 A. Yes.

14 Q. Okay. And Jamie was born in 1976, is that correct?

15 A. Correct.

16 Q. Okay. Now, sir, do you know what year your parents,  
17 Loopey and Luke, split up?

18 A. No.

19 Q. Do you know -- do you know what year they got  
20 divorced?

21 A. No.

22 Q. Well you say that you went to the zoo -- when you  
23 went on this trip, supposedly you were going to the zoo and you  
24 ended up in California, you said you were six going on seven,  
25 is that correct?

1 A. Yes.

2 Q. Okay. How much time had elapsed between Loopey  
3 disappearing and she coming to get you all to go to the zoo?

4 A. She got visitation rights and I remember we could see her  
5 on every weekend. We went to the trailer to visit her every  
6 weekend.

7 Q. Okay. So you said there was a point in time though  
8 when she disappeared? When was that in relationship to the bus  
9 ride?

10 A. I don't know.

11 Q. Six months? A year?

12 A. We seen her every weekend and one weekend she came and  
13 took us.

14 Q. Okay. Sir, didn't you just tell Mr. Weichsel though  
15 that when your parents used to fight there was -- there came a  
16 point in time when Loopey just disappeared?

17 A. I said there came a point when dad would disappear.

18 Q. You didn't say Loopey disappeared?

19 A. No, dad would disappear during those times.

20 Q. And who would you stay with?

21 A. I guess Loopey.

22 Q. You don't remember?

23 A. I -- I stayed outside as much as I could.

24 Q. Sir, are you aware your parents separated in 1980 and  
25 got divorced in 1981? Do those years ring a bell with you?

1 A. Between '80 and '81?

2 Q. Yes.

3 A. I remember things happening; I don't remember dates.

4 Q. Okay. So in 1980 you were six years old, is that  
5 correct?

6 A. Yes.

7 Q. Okay. And you said that the trip to California was  
8 when you were going on -- on six going on seven, is that  
9 correct?

10 A. Yes.

11 Q. So that had to be '80, '81, correct?

12 A. I guess.

13 Q. Okay. And that would make Jamie at the time four  
14 years old on that trip to California, is that correct? She's  
15 two years younger than you?

16 A. Four or five, yes.

17 Q. Okay. Now you said that you stayed in different  
18 places in California. First you stayed with Loopey -- Loopey  
19 and Luke, is that correct?

20 A. I stayed with them the whole time, but sometimes they  
21 couldn't afford a place to stay and they lived with some other  
22 family.

23 Q. Okay. The grandmother, the cousin, all those people,  
24 correct?

25 A. Correct.

1 Q. Okay. And you say that during that time you went to  
2 school in California, correct?

3 A. Yes.

4 Q. Okay. But you moved around to different places?

5 A. Yes.

6 Q. Okay. And who put you in school?

7 A. I don't know.

8 ~~Q. Did your mother enroll you in school?~~

9 A. I guess she had to have.

10 Q. Okay. And you said during that time you were at five  
11 or six different schools? Is that correct?

12 A. In California?

13 Q. Yes.

14 A. I don't know; all I remember -- I don't even really  
15 remember going to one.

16 Q. Sir, did you tell Mr. Weichsel that -- that before  
17 you left California with your father you were in five or six  
18 different schools?

19 A. Probably so, yes.

20 Q. Okay. And Jamie was in four or five?

21 THE COURT: Well wait a minute, wait a minute.

22 Probably so that you said -- you told Mr. Weichsel that or is  
23 it the fact that you're in five or six different schools?

24 That's -- the answer is -- I think it's a twofold question.

25 The question is, did you tell Mr. Weichsel that you

1 were in five or six different schools? Answer that yes or no,  
2 did you tell him that?

3 THE WITNESS: Yes.

4 BY MS. BAGLIVI:

5 Q. Okay, and Jamie was in at least five?

6 A. Yes.

7 Q. Sir, wasn't Jamie only four years old at the time in  
8 California?

9 A. Four or five.

10 Q. Four or five and she was in five or six different  
11 schools at age four or five?

12 A. We would go to three or four different schools in one  
13 year.

14 Q. Okay. Now you said your father came and took you  
15 back and you lived with him for a while?

16 A. I don't remember if I lived with him or my Aunt Phyllis  
17 when we got back.

18 Q. Sir, did you not say on direct examination that when  
19 you got back from California you lived with Paul?

20 A. I lived with my father for a while.

21 Q. Okay. And he was a -- he's a carpenter by trade,  
22 correct?

23 A. Correct.

24 Q. And he would have to go out and stay away for long  
25 periods of time so he could make a living to support you and

1 your brother -- your brother and sister, isn't that correct?

2 A. I don't know. He was a carpenter, yes, and I guess he  
3 would have had to make -- go out of town for business, yes.

4 Q. Okay. Now you said you lived -- how long did you  
5 live with him before you moved on to one of the other people?

6 A. Two or three months.

7 Q. Okay. And you said Aunt Phyllis, six months to a  
8 year, is that correct?

9 A. Yes.

10 Q. Okay. And Aunt Laura, Barbara and Rick, is that one  
11 year -- was that all together or were they separate houses?

12 A. Separate houses.

13 Q. Okay, how long at Aunt Laura's?

14 A. Aunt Barb's?

15 Q. No, Aunt -- didn't you say Aunt Laura?

16 A. No.

17 Q. You didn't say Aunt Laura and then Barbara and Rick?

18 A. I don't have an Aunt Laura.

19 Q. Or Dora or something?

20 A. Dorothy.

21 Q. Dorothy?

22 A. Dora --

23 Q. And how long --

24 A. -- and Doc.

25 Q. -- were you at -- how long were you at her house?

1 A. Not even a year.

2 Q. Give me an estimate; nine months?

3 A. Six months.

4 Q. Six months? Okay. And you were at Barbara and  
5 Rick's for one year you said?

6 A. Yes.

7 Q. And then at the Conestoga Trailer Park with your  
8 father approximately how long?

9 A. I'm vague on times; I'd say around two months, a year, --  
10 I --

11 Q. All right, two -- well can you give me an estimate?  
12 Just estimate?

13 A. I'm just vague on dates. I --

14 Q. No, I'm not asking for dates. I'm asking for  
15 approximately how much time did you live in the Conestoga  
16 Trailer Park?

17 A. About a year.

18 Q. Okay. And then you lived with Sue and these five  
19 other kids I believe you said for a year, correct?

20 A. It could have been a month, it could have been a year.

21 Q. Give me your best estimate of the time.

22 A. A year.

23 Q. Okay. And Darla and Doc, how long did you live with  
24 them for? Best estimate.

25 A. Two months.

1 Q. Okay.

2 A. I -- I really don't know.

3 Q. Okay. And then there was the trailer park -- the  
4 next trailer park, I'm sorry, what was the name of that one?

5 A. Two trailer parks; Conestoga was one.

6 Q. All right, Conestoga we already talked about. What's  
7 the second one?

8 A. Rosewood.

9 Q. Rosewood; and that's where your father met Kathy, is  
10 that correct?

11 A. Yes.

12 Q. And in fact, sir, she married your father and then  
13 eventually adopted you, your brother and your sister, correct?

14 A. Correct.

15 Q. Okay. Now how long did you stay in California?

16 A. It seemed like forever.

17 Q. Give -- approximately how long were you there?

18 A. Six months.

19 Q. Okay, six months. Okay, sir, so you were six going  
20 on seven when you first got to California, so then you stayed  
21 approximately six months so you were about seven and a half at  
22 that point when you go back to Georgia? You've got to answer  
23 yes or no.

24 A. Yes.

25 Q. Okay. So you're seven and a half, then you lived



1 with Paul two to three months, so that makes you seven and  
2 three quarters, then Aunt Phyllis six months to a year, let's  
3 say six months, that would make you eight and a half, correct?  
4 Okay, then Aunt Barbara and Rick for a year, that makes you  
5 nine and a half, correct?

6 A. Correct.

7 Q. Okay. And then you've got Conestoga Trailer Park for  
8 a year, that makes you ten and a half, is that correct? Just  
9 yes or --

10 A. As far as you're trusting my dates go, yes, that makes it  
11 correct.

12 Q. Okay. All right, and then Sue with the five kids was  
13 one year, so that makes you 11 1/2, is that correct?

14 A. Correct.

15 Q. And then Darla and Doc for two months, so that makes  
16 you not even 11 and three quarters, correct?

17 A. Correct.

18 Q. Okay. And then you've got the trailer park where  
19 your father met Kathy, is that correct?

20 A. Yes.

21 Q. You're saying that you were approximately, give or  
22 take six months, about 11 and three quarters when you were in  
23 that last trailer park and your father met Kathy, correct?

24 A. I was eight years old when Paul met Kathy.

25 Q. Exactly; when Kathy and your father got married you

1 were only eight years old, isn't that correct?

2 A. Correct.

3 Q. So all of these houses and places and times you were  
4 and all these different schools, they didn't happen, did they?

5 A. Yes, they did.

6 Q. Now, sir, do you have any good memories of your life  
7 with your family?

8 A. Yeah, everybody has good memories I would hope.

9 Q. Okay. Everybody has bad memories, wouldn't you say?

10 A. Some more than others, yes.

11 Q. Okay. And your father used to hit you with a wooden  
12 paddle?

13 A. Yes.

14 Q. Is that correct?

15 A. Yes.

16 Q. Your father -- do you know your father was in the  
17 Army as a military person?

18 A. He was in Vietnam.

19 Q. Yes.

20 A. For a year.

21 Q. Okay. He set strict rules for you and your sister,  
22 didn't he? You've got to answer yes or no.

23 A. Strict?

24 Q. He set you curfews?

25 A. I have nothing to compare it to, but if you want to -- if

1 you say it was strict then yes.

2 Q. No, I'm asking you; was it strict rules that he set  
3 for you and your sister?

4 MR. WEICHSEL: Judge, I don't -- I don't know, strict  
5 is a vague term, judge. I mean what's strict for one person  
6 may be --

7 THE COURT: Rephrase the question.

8 BY MS. BAGLIVI:

9 Q. Did he set curfews for you and your sister?

10 A. Yes.

11 Q. Okay. Did he have rules that you had to follow  
12 around the house?

13 A. Yes.

14 Q. Did he make you and your sister clean up your room?

15 A. Yes.

16 Q. Did he help -- did he make you and your sister clean  
17 up the dishes after dinner?

18 A. We cleaned them up, yes.

19 Q. Did he -- well did he make you do it or you just did  
20 it on your own?

21 A. Made us.

22 Q. Okay. Now you said in the summer of 1994 you were  
23 asked to leave the house with your sister, is that correct?

24 A. Yes.

25 Q. Okay. And you left in the car, is that correct?

1 A. Yes.

2 Q. The station wagon?

3 A. Yes.

4 Q. And, sir, that's the station wagon your father bought  
5 your sister, isn't it?

6 A. Yes.

7 Q. And he didn't -- he let her take the car, didn't he?

8 ~~You've got to answer yes or no.~~

9 A. Yes.

10 Q. He didn't try to stop her, yet he paid for that car,  
11 correct?

12 A. It was the least amount of thing you could for -- when you  
13 kick your daughter out of the house you could at least give her  
14 a place to sleep. Yes, he gave her that car.

15 Q. Okay. Well he didn't give her the car when he kicked  
16 her out of the house; she had that station wagon before that?  
17 He had bought her that car previously while she was in high  
18 school, isn't that correct?

19 A. Correct.

20 Q. Okay. Sir, you're in college right now?

21 A. Yes, sir -- I mean yes, ma'am.

22 Q. That's okay. Is your father helping you with your  
23 expenses?

24 A. Yes, they are.

25 Q. Kathy and your father, isn't that correct?

1 A. Kathy; my dad's unemployed right now.

2 Q. Okay, but your dad and Kathy are still together,  
3 isn't that correct?

4 A. Yes.

5 Q. Okay. And you call Kathy mom, correct?

6 A. Ma; and she doesn't like to be called mom because that's  
7 what we called Loopey.

8 Q. So you call her ma?

9 A. So I cal her ma.

10 Q. Okay. But you don't call her Kathy?

11 A. No; she don't like it when I call her Kathy.

12 Q. Now when you got kicked out of the house you  
13 eventually ended up at Loopey's, isn't that correct?

14 A. Correct.

15 Q. And you stayed there for a while, isn't that correct?

16 A. Correct.

17 Q. Did you have any good times there during those two to  
18 three weeks?

19 A. Yes.

20 Q. Was Jamie there also?

21 A. Yes, for a while.

22 Q. And was she having good times with you?

23 MR. WEICHSEL: Objection, how would --

24 THE WITNESS: She -- she seemed sad all the time.

25 MR. WEICHSEL: Objection.

1 THE COURT: I'll allow it.

2 THE COURT: She seemed -- she seemed to be.

3 MS. BAGLIVI: Okay.

4 THE COURT: Did she seem to have a good time like you  
5 were having?

6 THE WITNESS: She --

7 BY MS. BAGLIVI:

8 Q. Now, sir, you were --

9 THE COURT: Wait a minute.

10 MS. BAGLIVI: I'm sorry, I thought he just said he --  
11 she seemed.

12 THE WITNESS: After she got thrown out of the house  
13 she just -- she never was like herself.

14 THE COURT: Just a minute, that's not responsive to  
15 the question. All right, ask another question, counsel.

16 BY MS. BAGLIVI:

17 Q. You had good times you just told us while you were  
18 living those two to three weeks with Loopey, correct?

19 A. Correct.

20 Q. Was -- was Jamie there?

21 A. For a while.

22 Q. For how long?

23 A. Not very long.

24 Q. Approximately?

25 A. Two or three weeks.

1 Q. Okay. Where did you go after the two or three weeks?

2 A. I stayed there.

3 Q. And then after --

4 A. I stayed there for a long time.

5 Q. -- that -- how did you end up -- you're living on  
6 High Rock Road now, isn't that correct, in Conyers, Georgia?

7 A. Yes, yes.

8 Q. And that's the big house, the big blue house on the  
9 top of the hill in the woods that your father built for you,  
10 isn't that correct?

11 A. He built, yes.

12 Q. Okay. And it's on a very pretty lake, isn't it?

13 A. Yes.

14 Q. Okay. And it's a pretty big house, isn't it?

15 A. Yes, my Aunt Phyllis lives downstairs.

16 Q. And you -- I'm sorry?

17 A. My Aunt Phyllis lives downstairs.

18 Q. There's -- it's like a mother/daughter type of  
19 apartment situation, correct? You -- you all live upstairs and  
20 then they have a small section downstairs for your Aunt  
21 Phyllis, isn't that correct?

22 A. Yes.

23 Q. And this is in the wood in Conyers, Georgia, isn't  
24 that correct? It's a pretty nice setting, isn't it?

25 A. Despite the neighbors staying drunk all night and playing

1 his guitar in the two trashy trailers that we try to clean up,  
2 yeah, it's a nice -- it's -- it's nice.

3 Q. That house is not in a trailer park, sir, is it?

4 A. If you would -- the people across the street from us would  
5 give you an argument.

6 Q. Sir, aren't there all houses along that street of  
7 High Rock Road?

8 A. Houses.

9 Q. Some absolutely gorgeous houses, sir? Some big  
10 houses?

11 MR. WEICHSEL: Judge, he's already answered the  
12 question.

13 THE COURT: He can answer yes or no.

14 THE WITNESS: Yeah, nice houses, decent.

15 BY MS. BAGLIVI:

16 Q. Nice, lots of park -- lots -- lots --

17 A. Decent houses.

18 Q. Lots of property? Must better than like Milstead or  
19 something, correct?

20 A. If you go back in High Rock no, it's a lot worse than  
21 Milstead which is --

22 Q. No, I'm talking about where you live, because High  
23 Rock --

24 A. Kids of our age lived in that neighborhood and they live  
25 back in High Rock.



1 Q. I'm not -- I'm not asking about further, I'm talking  
2 about where your house is. It's on a big lake?

3 A. Yes, it is.

4 Q. Correct? And there's all -- as you're coming up High  
5 Rock Road there's nothing but beautiful houses, isn't that  
6 correct?

7 A. Decent houses, yes.

8 Q. And you're living there now, correct?

9 A. Correct.

10 Q. And you're living now with this person, this father  
11 who used to paddle you and where you had no good times, is that  
12 what you're telling us?

13 A. He's changed a lot; he was an alcoholic back then.

14 Q. Back when?

15 A. When he --

16 Q. Back when?

17 A. -- got back from Vietnam.

18 Q. Okay. Well when did he get back from Vietnam? You  
19 weren't even born yet, were you?

20 A. No, I wasn't.

21 Q. And neither was your sister, was she?

22 A. When we lived in our trailer park.

23 Q. I'm asking -- you said when he got back from Vietnam  
24 -- were you born then?

25 A. No.

1 Q. Was Jamie born then?

2 A. No.

3 MS. BAGLIVI: I have nothing further.

4 THE COURT: Mr. Weichsel, anything else?

5 MR. WEICHSEL: I have a few questions.

6 REDIRECT EXAMINATION BY MR. WEICHSEL:

7 Q. The prosecutor -- you told the prosecutor about your  
8 dad being an alcoholic?

9 A. Yes.

10 Q. Do you remember how long in your memory he was an  
11 alcoholic?

12 A. He -- Jessie was go get me a beer was yeah, all the time.  
13 He used to drink before -- when we lived in Conestoga and he --  
14 he told me last night that he --

15 MS. BAGLIVI: Judge, objection as to what he told  
16 him.

17 THE COURT: Sustained.

18 BY MR. WEICHSEL:

19 Q. You can't tell us what he told you.

20 THE COURT: You can't say what he told you.

21 BY MR. WEICHSEL:

22 Q. Just your own memory.

23 A. He said he drank a lot and he doesn't remember half of  
24 what happened.

25 MS. BAGLIVI: Judge --

1 THE COURT: Strike that.

2 BY MR. WEICHSEL:

3 Q. You can't --

4 THE COURT: The jury is to ignore any statement made  
5 by this witness' father, what he told him last night. It's  
6 hearsay, it's not permitted.

7 THE WITNESS: Okay, I'm sorry.

8 THE COURT: We can't cross examine that. And you were  
9 told not to respond to what anybody else says. I wish you  
10 would follow that, the court's instructions, okay?

11 THE WITNESS: Okay.

12 THE COURT: Go ahead, Mr. Weichsel.

13 MR. WEICHSEL: Okay.

14 BY MR. WEICHSEL:

15 Q. Jessie, the prosecutor asked you about curfews. Do  
16 you recall like your last year of high school what your curfew  
17 was?

18 A. The last year of high school I didn't really -- I didn't  
19 really have one.

20 Q. Do you recall what Jamie's curfew was?

21 A. Twelve o'clock.

22 Q. Was that weekends or during the week?

23 A. All around I think; 11:30 on weekdays, 12:00 on the  
24 weekends.

25 Q. Now this car the prosecutor asked you about that

1 Jamie had, the station wagon?

2 A. Yes.

3 Q. What year was it?

4 A. '83 I think; '83 and '84 Lynx Mercury.

5 Q. Do you know what happened to that car?

6 A. I crashed it.

7 Q. When?

8 A. I don't remember the date.

9 THE COURT: How long ago?

10 THE WITNESS: Three years ago I'd say.

11 THE COURT: Thank you.

12 BY MR. WEICHSEL:

13 Q. Now the prosecutor asked you about paddling. Do you  
14 remember if your father hit Jamie with anything other than a  
15 paddle?

16 A. One time we were playing around with a bull whip. We had  
17 a bull whip and I would pop and pop it and I accidentally  
18 caught her with it -- no, she accidentally caught me with it  
19 and it hurt and I ran and I told dad, so dad told me that I had  
20 to give her --

21 MS. BAGLIVI: Judge, objection.

22 THE COURT: Sustained, do not tell us --

23 THE WITNESS: This is anything but the paddle.

24 BY MR. WEICHSEL:

25 Q. You can't tell us what any -- what your dad said.

1 Did your dad use anything other than a paddle on Jamie?

2 A. He made me use the bull whip on Jamie for -- because he  
3 said you had to give back what you received or something and I  
4 didn't want to and he told me to hit her with the bull whip.

5 MS. BAGLIVI: Judge, I -- judge --

6 THE WITNESS: So I did.

7 MS. BAGLIVI: Judge, how many times do I have to  
8 object to what -- he keeps telling us what the father said. --

9 THE COURT: As many times as he says it, that's how  
10 many times you have to object to it.

11 MS. BAGLIVI: I don't want to --

12 THE COURT: I can't give you the answer to that one,  
13 counsellor. I cannot --

14 MS. BAGLIVI: Judge, --

15 THE COURT: -- give you the answer. You asked me how  
16 many times must I object.

17 MS. BAGLIVI: Sorry, judge, it was a rhetorical  
18 question, it wasn't proper.

19 THE COURT: Okay.

20 MS. BAGLIVI: Judge, I object.

21 THE COURT: All I can do is instruct him and I can  
22 instruct the jury to disregard the answer.

23 MS. BAGLIVI: Thank you.

24 THE COURT: That's all I can do. Now you are to  
25 disregard it. My instructions to the witness is not to tell us

1 what someone else said.

2 MR. WEICHSEL: That's all I have.

3 RECROSS EXAMINATION BY MS. BAGLIVI:

4 Q. Mr. Farthing, you crashed the car three years ago?

5 A. Yes.

6 Q. And what happened to the car after you crashed it?

7 A. It's still sitting in the impound lot for all I know or  
8 wherever it's set.

9 Q. Does it run?

10 A. I crashed it pretty good.

11 Q. Okay. And that was approximately three years ago?

12 A. Yes.

13 Q. And yet this is the same car that you and your sister  
14 left home in, in August of 19 -- in July of 1994, correct?

15 A. It might not have been three years ago.

16 Q. Your memory is not too good, is it, sir?

17 MR. WEICHSEL: Objection, judge.

18 THE WITNESS: Everything runs together.

19 MS. BAGLIVI: Judge, it's a proper question.

20 THE COURT: I know it's a proper question. Go ahead,  
21 everything runs together you said? Was that your answer?

22 THE WITNESS: Yes, my memory is keen but dates and time I  
23 -- they just run together.

24 MS. BAGLIVI: Nothing further.

25 MR. WEICHSEL: Judge, I -- I just forgot one

1 question, judge.

2 REDIRECT EXAMINATION BY MR. WEICHSEL:

3 Q. Could you describe the paddle that your dad used?

4 A. I guess it was about -- Jamie found it in the yard one day  
5 and he went on her a long time for finding that paddle in the  
6 yard.

7 THE COURT: Describe the paddle.

8 BY MR. WEICHSEL:

9 Q. Describe it.

10 THE COURT: That was the question; what does it look  
11 like?

12 THE WITNESS: It was -- it was about that big.

13 THE COURT: Being what? About a foot long?

14 THE WITNESS: Yeah; it was a two by four, that long;  
15 someone had carved it and it was about that big.

16 MS. BAGLIVI: Judge, could we have the record reflect  
17 what size he just showed since it won't show up in the  
18 transcript?

19 THE COURT: I didn't see it.

20 BY MR. WEICHSEL:

21 Q. Okay, can you describe it again?

22 A. A foot.

23 THE COURT: Well why don't you describe it and we'll  
24 agree to it?

25 THE WITNESS: It was about a foot by four inches and

1 it had a string on it like a racket ball.

2 MS. BAGLIVI: Judge, can we have -- the sides he  
3 showed of the paddle, can we have Mr. Weichsel --

4 BY MR. WEICHSEL:

5 Q. It was about a foot long?

6 A. It was about a foot long.

7 Q. And -- and show us the width of it.

8 A. -- It was about four inches. We would get spanked and me and  
9 my brother would compare bruises in the mirror because it would  
10 leave an outline on your butt.

11 MR. WEICHSEL: Thank you; that's all I have.

12 THE COURT: Anything else, Ms. Baglivi?

13 MS. BAGLIVI: No, Your Honor.

14 THE COURT: All right, you may step down; thank you.  
15 Do you have another witness?

16 MR. WEICHSEL: Yes; Kathy Farthing?

17 THE COURT: Kathy Farthing?

18 MR. WEICHSEL: Kathy Farthing. Judge, can -- can he  
19 remain in the courtroom?

20 MS. BAGLIVI: Judge, I object; sequestration and the  
21 -- I don't want to get into an argument in front of the jury,  
22 but --

23 MR. WEICHSEL: Let's go to sidebar then.

24 (SIDEBAR)

25 THE COURT: Yes?



1 MS. BAGLIVI: Judge, I object. There's a  
2 sequestration order and I had asked the same thing because some  
3 of -- Mr. Acunto and the other witnesses had wanted to stay in  
4 and I told them, you know, after that day they weren't allowed.  
5 Mrs. Polites --

6 THE COURT: When?

7 MS. BAGLIVI: Remember when Mr. Acunto asked -- you  
8 had said no, the sequestration was in effect, they all had to  
9 leave? All of the witnesses.

10 THE COURT: Yeah.

11 MR. WEICHSEL: Judge, you know, the prosecution has  
12 had the family members in for the trial. My client's had no --  
13 my client's had no family members in because of the  
14 sequestration order.

15 THE COURT: Who is -- who are your other witnesses?

16 MR. WEICHSEL: Kathy and Paul.

17 THE COURT: Is Paul outside?

18 MR. WEICHSEL: Yeah.

19 THE COURT: Well he'll have to give testimony. After  
20 she testifies I'll let him back in --

21 MR. WEICHSEL: Okay.

22 THE COURT: -- because he -- he would then be privy  
23 to the testimony that she has made --

24 MR. WEICHSEL: Okay.

25 THE COURT: -- and then relay that to Paul.

1 MR. WEICHSEL: Okay.

2 THE COURT: And that's the whole purpose of the  
3 sequestration order. But after this witness testifies you'll  
4 have the father take the stand and --

5 MR. WEICHSEL: Okay, fair enough.

6 THE COURT: Just so there's no danger.

7 MS. BAGLIVI: Judge, I object. I mean I had to keep  
8 mine out even though there was nothing that they were going to  
9 --

10 THE COURT: No, this is -- you know, it's -- it's not  
11 fair, the State has the burden. I --

12 MS. BAGLIVI: No, I understand that.

13 THE COURT: I'm allowing it.

14 MS. BAGLIVI: I'm sorry?

15 THE COURT: I'm allowing it.

16 MS. BAGLIVI: Well I just put my objection on the  
17 record.

18 MR. WEICHSEL: I let Mrs. Polites stay.

19 THE COURT: His -- his reason for asking is for  
20 support.

21 MS. BAGLIVI: Well then I don't have any problem with  
22 them, the mother and the father.

23 THE COURT: Witnesses -- the victim's family have  
24 been here all the time.

25 MS. BAGLIVI: They were not witnesses.

1 THE COURT: Yeah, but they're -- they're here.

2 MS. BAGLIVI: Yes.

3 THE COURT: They're looking at the defendant. Now  
4 she has her family here from Georgia, they are finished  
5 testifying there's no reason in the world to sequester them,  
6 there isn't. There absolutely is no reason so therefore I'm  
7 going to allow the request. That's it.

8 MR. WEICHSEL: Thank you.

9 (END OF SIDEBAR)

10 K A T H Y F A R T H I N G, WITNESS FOR THE DEFENSE, SWORN.

11 THE COURT OFFICER: You may be seated, ma'am. For the  
12 record would you please state your name, spell your last name?

13 THE WITNESS: Kathy Farthing, F-A-R-T-H-I-N-G.

14 THE COURT OFFICER: And the town in which you reside,  
15 ma'am?

16 THE WITNESS: I live in Conyers, Georgia.

17 THE COURT OFFICER: Thank you very much.

18 DIRECT EXAMINATION BY MR. WEICHSEL:

19 Q. Mrs. Farthing, I ask you to keep your voice up so the  
20 jury can hear.

21 THE COURT: Speak right into that microphone, Mrs.  
22 Farthing.

23 BY MR. WEICHSEL:

24 Q. Also, all your answers have to be verbal; you can't  
25 nod your head because everything is being taped here in the

1 court and eventually there may be a transcript and the  
2 stenographer can only take down words, not gestures or nods.  
3 Do you understand?

4 A. Yes, sir.

5 THE COURT: Just a minute, Mr. Weichsel. Mrs.  
6 Farthing, you don't have to lean up that far, you can lean  
7 back.

8 THE WITNESS: Okay.

9 THE COURT: The microphone will pick your voice up if  
10 you just sit there naturally, all right? Go ahead. Mr.  
11 Weichsel?

12 MR. WEICHSEL: Thank you.

13 BY MR. WEICHSEL:

14 Q. Do you know Jamie Farthing?

15 A. Yes, sir.

16 Q. Can you point her out?

17 MS. BAGLIVI: Judge, I'll stipulate.

18 BY MR. WEICHSEL:

19 Q. Okay, she just point out my client. Now how -- how  
20 do you -- how do you know Jamie?

21 A. Jamie is my daughter.

22 Q. And who are you married to?

23 A. I'm married to her father, Paul Farthing.

24 Q. And how old was Jamie when you and Paul got married?

25 A. She was seven.

1 Q. And when you first got married where were you living?

2 A. We were living in Jackson County Georgia, outside of  
3 Athens.

4 Q. What kind of housing?

5 A. It was a trailer.

6 Q. And do you recall how long you stayed at that trailer  
7 park?

8 A. It wasn't really a trailer park, but we lived there -- I  
9 had been there for a couple of years. We stayed there until  
10 April of '84. They moved in with me in June of ninety -- in --  
11 in June of '93 -- I mean '83, in June of '83, and we moved out  
12 of the house -- out of the trailer in April of '94.

13 Q. '94 or '84?

14 A. '84, I'm sorry; '84.

15 Q. Where did you go from there?

16 A. Well I was working -- I had started working in Conyers and  
17 so we moved there to a -- a small house out in the country so  
18 the commute wouldn't be so long.

19 Q. And how -- how long did you live in that small house?

20 A. We lived there from April of '84 until November of '84.

21 Q. And then where did you move?

22 A. We had bought a house in October of '83 but it had --  
23 after we bought it it had burnt on the inside. So we repaired  
24 the basement of the house and moved into it, it was an  
25 apartment. And we lived in that apartment, in the basement

1 apartment from -- for a year and then we were able to repair  
2 the top and we moved up there in November of '85.

3 Q. And is that the house you're presented in?

4 A. Yes, sir.

5 Q. Now could you describe your relationship with Jamie?

6 A. You men from the beginning?

7 Q. From the beginning.

8 A. Sometimes it was good and sometimes it was bad.

9 Q. What was bad about it?

10 A. I think the competition over her dad, that was the  
11 beginning I guess of the bad.

12 Q. Okay. And what was good about it?

13 A. I mean I loved her, she was a precious child. She was  
14 very needy of attention and -- and it was also -- I don't know,  
15 it's hard to explain. It was hard for Jamie to -- to accept  
16 love and I think sometimes maybe it was hard for me to give it  
17 and that just started a relationship where there wasn't a lot  
18 of you know, giving, on either of us.

19 Q. And were there times during -- from when you and Paul  
20 married in 1983 to 1994 where Jamie lived with other people  
21 other than you and Paul?

22 A. She moved in with Paul's sister, Barbara Pace, in  
23 September of 1993.

24 Q. Where -- where did she live?

25 A. She lived about 40 miles from us in a town called Winder,

1 Georgia.

2 Q. Why did she -- do you know why she moved there or why  
3 you had her moved there?

4 A. Well the family just wasn't getting along and Jamie's  
5 grades had gone down and -- and I don't know if they were the  
6 general teenage problems maybe everybody had but I -- I had  
7 never been through that. And things were real tense at home  
8 and she had been doing things like -- well she had been caught  
9 smoking pot and just wouldn't obey our rules and so Barb said  
10 let me take her for a while because she and Barb had already --  
11 had always had a good relationship. So that's what we did.

12 Q. How long did she stay at Barb's?

13 A. She stayed at Barb's from September to December of '93.

14 Q. Then where did she go?

15 A. She came back home.

16 Q. And where was she -- where was she going to school  
17 then?

18 A. Where did she go to school? She went to -- when she moved  
19 in with Barb she started going to a high school in Jackson  
20 County and she continued to go there. We would go there -- you  
21 know, she would drive there every day because she was in that  
22 school and making up some credits that she had not gotten and I  
23 thought it was good to leave her there.

24 Q. During the years that you and -- were living with  
25 Jamie and Paul do you know how Paul disciplined Jamie?

1 A. With a paddle.

2 Q. And could you describe the paddle?

3 A. It looked like a teacher's paddle that you used to see,  
4 you know, when we were kids and teachers were allowed to  
5 discipline in school.

6 Q. And could you recall how often Paul would use that  
7 paddle on Jamie?

8 A. Whenever they didn't do what they were supposed to do  
9 which was clean up their room, which could be fairly often  
10 sometimes because if she didn't want to clean up her room  
11 basically then she --

12 Q. What -- what else would she be paddled for?

13 A. That's one of the big things. I mean if -- if she lied,  
14 like for instance if they told a story like they hadn't got a  
15 test paper back or they didn't tell him about getting in  
16 trouble at school or then he found out and they hadn't told him  
17 they would get a paddling.

18 Q. How long would -- how many times would he paddle  
19 Jamie?

20 A. I think usually three times.

21 Q. Well were they like soft, hard?

22 A. Sir? Soft or hard? I don't know -- I don't know.

23 Q. Okay. Would -- would Jamie cry?

24 MS. BAGLIVI: Judge, objection to the leading nature  
25 of the questions.



1 MR. WEICHSEL: It's not leading.

2 THE COURT: Sustained; yes it is.

3 BY MR. WEICHSEL:

4 Q. What was -- what was Jamie's reaction?

5 A. Sometimes she would cry, yeah, and sometimes she wouldn't.

6 Q. And after she was paddled what would happen?

7 A. Sometimes she would do what she was supposed to do and  
8 sometimes she wouldn't.

9 Q. Now you said when Jamie was living with Barb or after  
10 she lived with Barb she had a car?

11 A. We bought a car.

12 Q. What kind of car was it?

13 A. It was a -- it was a Ford Escort Station Wagon and it was  
14 like a 1984 or '85 maybe, I can't remember what year it was, it  
15 was an older car.

16 Q. Do you know what happened to that car?

17 A. Yeah.

18 Q. What happened?

19 A. Jessie wrecked it.

20 Q. When?

21 A. When? He wrecked it in March of '95.

22 Q. Did there come a time that Jamie was asked to leave  
23 your house in Conyers?

24 A. Yes.

25 Q. When was that?

1 A. It was in June of 1994.

2 Q. Okay. Why was she asked to leave?

3 A. Well they had been -- she and Jessie had been going out  
4 and -- well a couple of times we had found beer cans down by  
5 the lake and -- and once we found some marijuana butts down by  
6 the lake. Paul had told them if they didn't come home or  
7 stayed out all night again they would have to leave or if they  
8 came home messed-up or what he thought was messed up they'd  
9 have to leave. And I wasn't there when he made them leave, I  
10 was -- I was at a meeting, but it was a weekend of the Rockdale  
11 County High graduation in 1994. I think that was the weekend  
12 they graduated. And they came home and -- well they didn't come  
13 in that night and he waited up. And they came in like in maybe  
14 6:00 that morning and he told them they had to leave.

15 Q. Okay. And that was in June of '94?

16 A. That was in June of '94.

17 Q. Okay. Did they leave the house?

18 A. They left.

19 Q. And from your own personal knowledge do you know  
20 where Jamie went? Not from what somebody told you, from your  
21 own personal knowledge?

22 A. I know that she stayed at her boyfriend Eddie's aunt's  
23 house for a while.

24 Q. Okay. Now I want to take you back to -- I want to  
25 take you to late July of '94. Do you remember a time that

1 Jamie went to New York?

2 A. I remember that shortly after Paul made them leave, which  
3 was in maybe the beginning of the second week in June or  
4 something, it was shortly after that that our third son, third  
5 child Jason, he's the oldest, he came up from Florida and Paul  
6 sent him to look for Jessie. And he found Jessie at some boy's  
7 house in Conyers and brought him home. And at that time we  
8 didn't really know where Jamie was at, but she ended up at  
9 Loopey's house but anyway then she -- I would call over to try  
10 to talk to Jessie and Jamie but I would have to get someone  
11 from work to do that because Loopey wouldn't let me talk to  
12 them if I called. So when I would get them on the phone in the  
13 beginning they said that Jamie was in Paramount City.

14 MS. BAGLIVI: Judge, I'm going to object as to what  
15 other people said to where she was.

16 BY MR. WEICHSEL:

17 Q. You can't tell us where other people said she was.

18 A. Okay.

19 Q. From your own --

20 A. Okay, I was just --

21 Q. Did there come a time --

22 A. -- getting to -- she -- wherever she was at she came back  
23 and she came to our house in -- in -- toward the end of July in  
24 1994.

25 Q. Okay.

1 A. And I remember this clearly because it rained a lot that  
2 night and the fireworks were delayed for almost three weeks and  
3 also because Paul's brother J.D. was there visiting, he and his  
4 son. And J.D. had cancer and he was dying, so you know, I got  
5 in touch with Jamie and asked her to please come over and see  
6 him and she did.

7 Q. Do you remember when that was?

8 A. Well I can't like say whether it was the 24th or 25th or  
9 26th, but it was toward the end of July because we had a lot of  
10 relatives coming in and out at that time and they always come  
11 at the same time of the year.

12 Q. And do you know where Jamie went after that of your  
13 own personal knowledge?

14 A. I know that she went back to Loopey's house when she left  
15 because we had another falling out at that point because she  
16 took J.D.'s son Jeffrey out and they didn't come home -- well  
17 they didn't come home when they were supposed to come home so I  
18 went to Eddie's aunt's house and got the car which she had had  
19 up until that time. And I took the car and I know from that  
20 point that -- that she ended up at Loopey's house.

21 Q. So at the end of July you took Jamie's car from her?

22 A. Um-hum.

23 Q. And that was the Ford Station Wagon?

24 A. That right -- that's right.

25 Q. And why did you take the car from her?

1 A. Because the car was in my name, it wasn't in her name, it  
2 was on my insurance and I was afraid that -- that somebody was  
3 going to wreck it that was under the influence, so I took it.

4 Q. Okay. So at that point, just so that I understand  
5 it, Jamie was out of your house and didn't have a car, is that  
6 correct?

7 A. Right.

8 MR. WEICHSEL: That's all I have.

9 CROSS EXAMINATION BY MS. BAGLIVI:

10 Q. Mrs. Farthing, what's your occupation?

11 A. I'm a social worker.

12 Q. Okay. And -- and -- MSW?

13 A. Yes, ma'am.

14 Q. And who do you work for?

15 A. I work for Piedmont Dialysis in Atlanta, Georgia.

16 Q. I'm sorry, you have to keep your voice up, I can't  
17 hear you.

18 A. I work for Piedmont Dialysis in Atlanta, Georgia.

19 Q. What is that?

20 A. It's a dialysis center.

21 Q. Okay. And what do you do there?

22 A. I'm a social worker, a medical social worker.

23 Q. You counsel people that are going through dialysis?

24 A. That's right.

25 Q. Okay. And prior to -- how long have you been working

1 there?

2 A. I've been a dialysis social worker for -- since 1987.

3 Q. Okay.

4 A. I've been there for a year and a half.

5 Q. Okay. And -- and prior to 1987 where did you -- what  
6 did you work?

7 A. I was a nursing home (inaudible), I worked for Georgia  
8 Legal Services out of Conyers.

9 Q. Okay. And you were a social worker back then?

10 A. Yeah, I was an MSW.

11 Q. Okay. When did you get your degree?

12 A. In June of -- in June of '83.

13 Q. Okay. So you went through college and then you went  
14 and got your master's in social work, is that correct?

15 A. That's right.

16 Q. Okay. And you said that you -- what year was it that  
17 you met Luke -- I'm sorry, not Luke.

18 A. Paul.

19 Q. Paul?

20 A. I met him in 1983.

21 Q. Okay. And what year did you get married?

22 A. 1983.

23 Q. Okay. And at the time you were living in a trailer,  
24 is that correct?

25 A. That's right.

1 Q. Okay. But you said it was not a trailer park?

2 A. Well it was a -- it was three fourths of an acre that I  
3 rented from a lady. I -- I owned my trailer.

4 Q. Okay. Was it a stationary trailer then? Pretty much  
5 like a -- almost like a house? It wasn't one you can move  
6 around?

7 A. Well it was one that could be moved. It was a 70 foot by  
8 14 foot trailer.

9 Q. Okay. And before you met him you lived there alone?  
10 I mean you had no -- what I'm trying to say is -- I don't mean  
11 to pry -- you had no children living there?

12 A. No.

13 Q. Okay. And when you two got together, everybody --  
14 Jessie, Jason and Jamie all moved in?

15 A. They moved in.

16 Q. Okay. How many bedrooms in the trailer?

17 A. Two.

18 Q. Okay. And you were on a half acre of property?

19 A. About that.

20 Q. Was it a nice place?

21 A. It was a new trailer.

22 Q. I'm sorry?

23 A. It was a new trailer.

24 Q. Okay. And it was in the woods, a nice setting?

25 A. Yeah.

1 Q. Okay. and you stayed there for I guess June of '93 -  
2 - '83, I'm sorry, I'm doing the same thing -- to April of '84,  
3 is that correct?

4 A. That's right.

5 Q. And then you moved to a -- a small county house?  
6 Okay, and again with Jessie -- I'm sorry, you have to answer.

7 A. I'm sorry, I moved there with the whole family.

8 Q. Okay. And you stayed there because you were fixing  
9 up the house that you had just bought, is that correct?

10 A. That's right.

11 Q. Okay. And that's the house on High Rock Road?

12 A. That's right.

13 Q. Okay. And eventually you were able to move into the  
14 whole house when it was all fixed, is that correct?

15 A. That's correct.

16 Q. Okay. And Jamie had her own bedroom, is that  
17 correct?

18 A. That's correct.

19 Q. Okay. And she was responsible for keeping it neat as  
20 --

21 A. That's right.

22 Q. -- as were the other boys?

23 A. That's right.

24 Q. Okay. And did they have chores around the house to  
25 do?



1 A. They had to clean the kitchen up, they took turns or they  
2 could do it together. They were supposed to keep the -- their  
3 stuff picked up out of the den.

4 Q. Um-hum, okay. And there came a point in time when  
5 you adopted the three children, correct?

6 A. That's right.

7 Q. Do you know what year that was?

8 A. I think the year was 1985.

9 Q. Okay. And do you -- you adopted them because you  
10 loved them and you loved Paul, is that correct?

11 A. That's right.

12 Q. And you tried your best to give them a good home?

13 A. The best that I could do.

14 Q. Okay. And you said the relationship with Jamie was a  
15 good one and a bad one, is that correct?

16 A. That's right.

17 Q. And I think you said that there was some comp -- that  
18 the bad part was the competition over her father, is that  
19 correct?

20 A. Well -- yes, ma'am, in the beginning it was the  
21 competition.

22 Q. Okay.

23 A. In later years it was other things I guess.

24 Q. Okay. Well, ma'am, as a social worker did you find  
25 that that was unusual, when a new woman comes in and marries a

1 man with children that the little girl gets a little jealous?

2 A. It's not unusual.

3 Q. Okay. And -- and you loved Jamie and you tried your  
4 best, isn't that correct?

5 A. I did the best that I knew how to do.

6 Q. Right, okay. Now you said that for a while there  
7 Jamie moved in with her Aunt Barbara, is that correct?

8 A. That's right.

9 Q. And you said that they had a pretty good  
10 relationship?

11 A. When she moved in they did.

12 Q. Okay, that's what --

13 A. But that rapidly declined.

14 Q. No, I understand that, but she had a good  
15 relationship? Did you all get together with her over the  
16 holidays and different events, birthdays or whatever? Did you  
17 see this woman --

18 A. You mean in prior years?

19 Q. Yeah, in prior --

20 A. Yes.

21 Q. -- to when she moved in?

22 A. We did.

23 Q. Okay. Did -- did you have a -- at the holidays would  
24 you have family gatherings?

25 A. Yes, ma'am.

1 Q. Okay. And you said that you -- whose idea was it  
2 that she would move in with Barbara Pace?

3 A. It was Barbara's.

4 Q. Okay. And you said that there were some general  
5 teenage problems going on and you thought it was best?

6 A. I think they went beyond general.

7 Q. Okay, well didn't -- weren't those your words to Mr.  
8 Weichsel? General teenage --

9 A. Well I said --

10 Q. -- problems? Ma'am, did you --

11 A. Well I said general, but -- but if I personalize that it  
12 was not problems that I went through as a teenager. I said  
13 maybe they were general teenage problems.

14 Q. But you had nothing to compare it to, correct?

15 A. But I've had -- no, I had nothing to compare rebellious  
16 behavior to because that's not what I had experienced when I  
17 was a teenager.

18 Q. Okay. And you made sure she was enrolled in school,  
19 correct, when she went to Barbara's?

20 A. Barbara enrolled her in school.

21 Q. Okay. And eventually there came a point in time when  
22 she came back home, is that correct?

23 A. Barbara basically deposited her back home on Christmas  
24 Eve.

25 Q. Okay.

1 A. And --

2 Q. Ma'am, my question was did she eventually come home?

3 A. Yeah.

4 MR. WEICHSEL: She's answering the question.

5 MS. BAGLIVI: Judge, it's not responsive to my  
6 answer.

7 THE COURT: Well I'm going to allow it. You said she  
8 returned. Go ahead.

9 THE WITNESS: I said she returned back home but it  
10 was under very stressful circumstances. Barbara basically threw  
11 her out; brought her back on Christmas Eve and --

12 MS. BAGLIVI: Judge, I'm going to ob -- that's  
13 exactly what I'm objecting to. If this is something that  
14 Barbara told her or Jamie told her it's hearsay.

15 THE WITNESS: I'm not -- nobody told me this; I'm  
16 telling you what happened.

17 THE COURT: Please, please. I've overruled you,  
18 counsellor and I'm asking the witness to continue --

19 THE WITNESS: Barb --

20 THE COURT: -- her answer.

21 THE WITNESS: Barbara was mad at Jamie because Jamie  
22 wouldn't act the way she wanted her to act. She brought her  
23 back on Christmas Eve with all of her stuff and just said here  
24 she is, she's your's, I want nothing else to do with it. And  
25 basically as far as I recall we didn't have a very good

1 Christmas with Barb that year because Barb took the problem,  
2 made it worse and brought it back to me.

3 BY MS. BAGLIVI:

4 Q. Okay. But Jamie was your daughter, correct?

5 A. Right, Jamie was my daughter.

6 Q. Okay. And now at this point in time you did not want  
7 to remove her from the school that she was attending by  
8 Barbara's, isn't that correct?

9 A. No, I didn't.

10 Q. Okay. Because you felt that that might be -- it  
11 wouldn't be good for her, correct?

12 A. I thought it was best that she stay in the school she was  
13 in.

14 Q. Okay. And is that when you and your husband got her  
15 a car, so she could continue --

16 A. No, we bought her the car in September before she --

17 Q. Ma'am, could you please let me finish my question?  
18 Is that when you bought her the car so that she could commute  
19 back and forth to school?

20 A. No, we bought her the car before she moved to Barb's.

21 Q. Okay. Oh, so when she went off to Barb's she took  
22 the car with her?

23 A. That's right.

24 Q. Okay. And even though it was under your name she was  
25 allowed to use it, it was technically her car?

1 A. That's right.

2 Q. And she responsible for keeping it clean, things of  
3 that nature?

4 A. Um-hum.

5 Q. You have to verbalize.

6 A. Yes, ma'am.

7 Q. Okay. And now you said that sometimes she would get  
8 paddled by your husband, is that correct?

9 A. That's right.

10 Q. Okay. And you said that it was because sometimes she  
11 wouldn't clean up her room or often she wouldn't clean up her  
12 room? Did you say --

13 A. That's right.

14 Q. Okay. And, ma'am, again, as a social worker did you  
15 find it unusual that a teenager wouldn't want to clean up her  
16 room?

17 A. I didn't find it unusual but let me -- let me just say  
18 this, and I know --

19 Q. That was my question.

20 A. Okay.

21 Q. Was it unusual? Did you find that that was unusual,  
22 that Jamie Farthing was a teenager and didn't want to clean up  
23 her room?

24 A. Yeah, I did find it unusual.

25 Q. Well did Jessie and Jason clean up their rooms?

1 A. Most of the time Jessie did.

2 Q. Okay. Well what about Jason?

3 A. Yeah, most of the time Jason was a very -- probably the  
4 neatest one of them all.

5 Q. And Jamie was messy?

6 A. Yes.

7 Q. Okay. And you said that sometimes she got hit  
8 because she would lie?

9 A. Well about school work, yes.

10 Q. Okay. Now you said that there came a point in time  
11 in I believe June of 1994 that she was kicked out of that  
12 house, is that correct?

13 A. That's correct.

14 Q. Well ma'am, isn't it a fact that she had been warned  
15 numerous times to abide by the rules or she would be kicked out  
16 of the house? Isn't that correct?

17 A. That's correct.

18 Q. Okay. So this wasn't just she did something wrong  
19 and you just threw her out of the house, is that correct?

20 A. Well I wasn't there, I didn't throw her out.

21 Q. Okay. But did you join in your husband's decision to  
22 kick her out?

23 A. No.

24 Q. Okay. You didn't want him to kick her out?

25 A. No, I didn't.

1 Q. Okay. Why not?

2 A. Because I loved her and I didn't want anything to happen  
3 to her. And I knew that -- that Jamie couldn't cope with life  
4 without some guidance.

5 Q. Okay. Well did you -- other than you and your  
6 husband and your family members, did you try to get her any  
7 guidance?

8 A. My husband was opposed to counselling.

9 Q. Okay. Well what about you, ma'am? You're a social  
10 worker?

11 A. I know that I'm a social worker.

12 Q. Did you attempt to get Jamie any help?

13 A. I did go to the school and ask her counsellor when she was  
14 in -- in the county school if she could receive counselling  
15 through the school, but it was a very stressful sometimes at  
16 home and it was a whole lot easier if I did what my husband  
17 said to do.

18 Q. Okay. And, ma'am, when was that, when you asked the  
19 school to give counselling? How old was Jamie?

20 A. Maybe 14.

21 Q. Okay. Well let me ask you -- in June of 1994 she was  
22 18, is that correct? When she was kicked out of the house she  
23 was --

24 A. Yeah, she had just turned 18.

25 Q. She had just turned 18?



1 A. She turned 18 in May, right.

2 Q. Okay. Did you attempt -- when you saw these things  
3 that were going on did you attempt to get her counselling at  
4 that particular point in time?

5 A. No.

6 MS. BAGLIVI: I have nothing further.

7 THE COURT: Mr. Weichsel, anything else?

8 MR. WEICHSEL: Just a few questions, judge.

9 REDIRECT EXAMINATION BY MR. WEICHSEL:

10 Q. The prosecutor asked you about the stress in your  
11 relationship with Jamie and you had started talking about other  
12 things, remember that?

13 A. I think I do.

14 Q. What other things?

15 A. Well it was just a ongoing battle of -- between Jamie and  
16 I as how she was going to present herself, how she was going to  
17 dress. You know, I wanted her to look -- to look proper. And  
18 I think as they got older they were all kind of opposed to that  
19 and maybe -- you know, I said maybe that was normal. I don't  
20 know because I didn't go through a rebellious period. But you  
21 know, I think that all -- I felt like -- that -- I mean it was  
22 just very stressful. She -- she didn't do you know, what I  
23 wanted her to do so -- which was dress like a proper person.  
24 She wanted to -- to -- I didn't feel like she needed a lot of  
25 makeup. She wanted to wear makeup so she really never got the

1 chance to I guess learn how to do that. I wanted her to wear  
2 her hair like she's got it now, but that's not what she wanted  
3 it -- wanted it to be like. She wanted to wear it in strange  
4 sorts of ways. You know, I wanted their rooms to look nice but  
5 she wanted her room to look weird. I used to try to do things  
6 like -- you know, it would upset Paul if he came home and we  
7 wasn't getting along, and I used to make them do stuff like --  
8 you know, dad's going to be home soon, let's please sit down  
9 and act like we're being normal and maybe we can play some  
10 cards or maybe we can do something like that. But, you know,  
11 things wasn't normal from -- I can't think -- I mean comparing  
12 my own life to the life they lived, I mean I think my life was  
13 normal when I was a kid but when they moved in with me things  
14 were never really normal. They were afraid of the dark, and  
15 they were afraid of dolls. I couldn't -- I mean I couldn't --  
16 I could never give her a doll because she would tear it up;  
17 they thought they were walking around at night. I don't know  
18 what happened to them in California but I know they had a very  
19 traumatic experience.

20 MS. BAGLIVI: Judge, I'm going to object about --  
21 anything about California; she wasn't there.

22 THE COURT: Well she said she didn't know what  
23 happened in California.

24 MR. WEICHSEL: Thank you.

25 THE COURT: Anything else, Mr. Weichsel?

1 MR. WEICHSEL: No.

2 MS. BAGLIVI: No.

3 THE COURT: All right, thank you, Ms. Farthing, you  
4 may step down.

5 All right, we'll take a break, 15 minutes; ten after  
6 eleven I'll expect you back. Do not discuss the case. And did  
7 you -- I don't think there was anything in the newspapers  
8 today, I didn't see any. But if there was none of you read  
9 anything about the case, is that correct? All right, thank  
10 you.

11 (PAUSE - THE JURY LEAVES THE COURTROOM)

12 THE COURT: We have one more witness, is that  
13 correct?

14 MR. WEICHSEL: Yes, judge.

15 THE COURT: All right. All right, and we should  
16 finish that witness this morning, is that correct?

17 MR. WEICHSEL: I don't think he's going to be any  
18 longer than the other witnesses, judge.

19 THE COURT: All right, so ten after eleven please.

20 (RECESS)

21 THE COURT: All right, ask the jury to come up  
22 please?

23 (PAUSE - THE JURY ENTERS THE COURTROOM)

24 THE COURT: Defense, call its next witness please?

25 MR. WEICHSEL: Fine; Paul Farthing please?

1 THE COURT: Paul Farthing.

2 (PAUSE)

3 P A U L F A R T H I N G, WITNESS FOR THE DEFENSE, SWORN.

4 THE COURT OFFICER: You may be seated, sir. For the  
5 record can you please state your name and spell your last name?

6 THE WITNESS: Paul Farthing, F-A-R-T-H-I-N-G.

7 THE COURT OFFICER: And the town in which you reside,  
8 sir?

9 THE WITNESS: Conyers, Georgia.

10 THE COURT OFFICER: Thank you.

11 DIRECT EXAMINATION BY MR. WEICHSEL:

12 Q. Mr. Farthing, I'd ask you to keep your voice up so  
13 that the jury can hear you and if you slightly lean in towards  
14 that mike it -- it will help. All your answers have to be  
15 verbal because we're being picked up by video records and if  
16 there's a transcript they can only take down words, they can't  
17 take down nods of the head. Do you understand that?

18 A. Yes, sir.

19 Q. You're related to Jamie Farthing?

20 A. Yes, sir, I'm her father.

21 Q. Do you see Jamie here in court?

22 A. Yes, sir.

23 Q. Paul, how old are you?

24 A. Pardon?

25 Q. How old are you?

1 A. Forty six.

2 Q. And you live in Conyers, Georgia?

3 A. Yes, sir.

4 Q. And you're married, sir?

5 A. Yes.

6 Q. What's your wife's name?

7 A. Kathy Farthing.

8 Q. Tell me -- go back, a little bit to your background.

9 Were you in Vietnam?

10 A. Yes, sir.

11 Q. Did you see combat duty?

12 A. Yes, sir, I was -- I was with a land clearing operation  
13 there. Took bulldozers and if there was areas -- I don't know  
14 how to explain it, the first areas the infantry had trouble  
15 patrolling we'd take bulldozers and clear the area and set up  
16 towers then, a watch area.

17 Q. Now what year did you come back from Nam?

18 A. 1971.

19 Q. Did -- did you marry a woman by the name of Loopey --  
20

21 MS. BAGLIVI: Judge, can we -- I have an objection to  
22 leading questions.

23 THE COURT: I'll allow it -- this one, go ahead.

24 BY MR. WEICHSEL:

25 Q. Did you -- did you marry a woman by the name of

1 Loopey?

2 A. Yes, sir.

3 Q. And when was that?

4 A. Well we married -- we lived together for a long time  
5 before we -- before we got married.

6 Q. Okay, when did you start --

7 THE COURT: I'm sorry, Mr. Farthing, you're going to  
8 have to speak up so that they can hear you. Your voice drops,  
9 all right?

10 THE WITNESS: Oh, yes, sir.

11 THE COURT: That microphone will pick you up, but  
12 make sure your voice gets out there so that -- I don't want the  
13 jurors missing what you're saying.

14 THE WITNESS: Thank you, sir.

15 THE COURT: All right? Go ahead.

16 BY MR. WEICHSEL:

17 Q. When did you start living with Loopey?

18 A. It was in the first part of '72, 1972.

19 Q. And where were you living?

20 A. It was in California, I was stationed out in California at  
21 that time.

22 Q. When -- what year was your oldest child born?

23 A. Jason was born in 1973.

24 Q. When -- what year did you marry Loopey?

25 A. We married -- believe it was the end of 1975.

1 Q. Okay. And when was Jamie born?

2 A. May 3rd, 1976.

3 Q. And when Jamie was born where were you living?

4 A. Let's see, we was -- we was living in Florida at that  
5 time.

6 Q. And from Florida where did you go?

7 A. We went back to Indiana.

8 Q. How long did you stay in Indiana?

9 A. Almost two years.

10 Q. And where -- where did you go from there?

11 A. Then we moved out to California.

12 Q. And where did you go from there?

13 A. Let's see; see we went back to Indi -- I believe we went  
14 back to Indiana. I moved around a lot and I just -- I -- it's  
15 hard for me to --

16 Q. During those years what kind of work were you doing?

17 A. I was always construction.

18 Q. Now could you tell me after Jamie was born in '76  
19 could you describe your relationship with Loopey?

20 A. Well I -- the relationship was about the same always. It  
21 was -- it was -- I mean we'd -- it was kind of a love/hate  
22 thing. It was -- we was just attracted physically, I mean  
23 there was no -- there was nothing else. And I think that when  
24 we'd have bad times making up was what -- that's all we had, so  
25 I -- I guess we was caught in something like that.

1 Q. Now, when there were bad times were there fights?

2 A. Yes, sir.

3 MS. BAGLIVI: Judge, objection. I object to the  
4 leading nature of all of these questions; suggesting the answer  
5 by suggesting fights.

6 THE COURT: I know what a leading question is.

7 MS. BAGLIVI: I know, but that's --

8 THE COURT: Counsel, I know, and I'm going to caution  
9 you.

10 MR. WEICHSEL: Thank you.

11 BY MR. WEICHSEL:

12 Q. Just tell me, during the bad times what went on?

13 THE COURT: That's it, now you asked what went on  
14 instead of telling him.

15 MR. WEICHSEL: Fine.

16 THE COURT: Now the jury knows, so.

17 BY MR. WEICHSEL:

18 Q. Well tell us, Mr. Farthing, what went on?

19 A. Well I drank -- I drank a lot back then. I was -- I drank  
20 a whole lot and a lot of times I wouldn't know. I mean at  
21 first it probably wasn't bad but then it -- like I said, making  
22 up was our mainstay, so I guess it had to get worse for it to  
23 get better. It was -- it progressed.

24 Q. Okay, when it got worse -- you've got to describe and  
25 tell us what was going on. I know --



1 MS. BAGLIVI: Judge, I have an objection unless this  
2 -- unless Jamie -- the defendant was present during these  
3 times. I don't know, I mean I --

4 THE COURT: Yeah, I think we can move on. He's  
5 explained that there was bad times. I don't know -- he's  
6 explained it, you've asked him three times, counsel; move on.

7 BY MR. WEICHSEL:

8 Q. During these bad times was -- was Jamie present?

9 A. Yes, sir.

10 Q. Okay. And during these bad times when Jamie was  
11 present an you tell us what went on between and Loopey?

12 A. I don't know, we'd just get in quarrels. I mean one time  
13 she stabbed me. I mean I probably slapped her around and I'd  
14 throw things, I know that.

15 Q. And during this time would Jamie be present?

16 A. Some of the time she probably would, yes. I don't -- if  
17 they were in bed I guess -- you know, the kids was around. I  
18 guess it didn't matter whether they was around or not, I mean  
19 when we got -- when we got going.

20 Q. Did there come a time that you and Loopey separated?

21 A. Yes, sir, we separated off and on.

22 Q. Starting when? I'm talking about after Jamie was  
23 born.

24 A. We was separated when Jamie was born.

25 Q. Separated when Jamie was born?

1 A. Right.

2 Q. After that did you get back together?

3 A. Right.

4 Q. Did you separate again?

5 A. Yes, well we went out to California and she was running  
6 around on me a lot and I -- I'd overlook it, I don't know why.  
7 But then I -- I just left, I just --

8 Q. When you left where did you go?

9 A. I came to Georgia.

10 Q. Did anybody go with you?

11 A. Right, I had all three of the -- the kids with me at that  
12 time.

13 Q. Okay. How old was Jamie at that time?

14 A. She was -- she would have been about two and a half years  
15 old.

16 Q. And how long did you stay in Georgia?

17 A. Well I've resided there since.

18 Q. Now when you left with the kids when Jamie was two  
19 and a half where was Loopey?

20 A. She stayed in California.

21 Q. Did there come a time after that that Loopey came to  
22 Georgia?

23 A. Yes, sir, about a -- probably about a year later. Well  
24 she -- she called me on the phone and said she wanted to see --

25 MS. BAGLIVI: Judge I'm -- judge, I'm going to

1 object.

2 THE COURT: Yeah, sustained. You cannot tell us, Mr.  
3 Farthing, what other people have said, okay? You cannot  
4 testify as to other people's conversations.

5 THE WITNESS: Okay, what -- what did I say?

6 THE COURT: That's all right, you didn't do anything  
7 wrong.

8 THE WITNESS: No, but I mean I don't know what I  
9 said, so I don't know --

10 THE COURT: Well you were going to tell us what  
11 someone said to you on the phone.

12 BY MR. WEICHSEL:

13 Q. You were going to tell us what Loopey said.

14 A. Oh.

15 THE COURT: And you can't tell us that, okay?

16 THE WITNESS: Okay.

17 BY MR. WEICHSEL:

18 Q. You had a phone conversation with Loopey?

19 A. Yes, sir.

20 Q. And as a result of that phone conversation did -- did  
21 anything happen?

22 A. Yes, I -- I -- I allowed her to come to Georgia and see  
23 the kids and I don't know, I figured it would be all right. So  
24 I went to work and she just took the kids and left and went  
25 back to California. Of course I didn't know she went back to

1 California. She -- she knew people in North Dakota, the  
2 Carolinas, North Carolina, Florida, Indiana, Ohio and --

3 Q. How old was Jamie when she took the kids to  
4 California?

5 A. Jamie would have been about three and a half then. This  
6 was about a year later when they left.

7 Q. Excuse me? It was about a year after you left?

8 A. Right.

9 Q. Were you divorced from Loopey at that time?

10 A. No, sir.

11 Q. Now after Loopey took the three kids to California  
12 what did you do to get the kids back, if anything?

13 A. Okay. I -- I -- the first thing I did was I went to the  
14 bus station. They don't keep records, but the man told me that  
15 --

16 Q. You can't tell us what a man told you.

17 A. Oh, I'm sorry.

18 Q. That's okay. You went to the bus station, what else  
19 did you do?

20 A. Okay, I found out that she had taken a bus with the kids.  
21 I couldn't find out where she had went and I just kind of  
22 travelled around to different places that I knew that she might  
23 have went. And I went to California and -- from her sisters and  
24 brothers houses and her mom's house -- I went to the schools  
25 that was surrounding them -- them areas. And I finally found a

1 school where the kids had been, but they was no longer there,  
2 they already changed. And I talked with the principal at the  
3 school for a long time. And she sent me a --

4 MS. BAGLIVI: Judge, I'm sorry, I'm going to object  
5 to what the teacher said.

6 MR. WEICHSEL: Judge, I don't think this is being  
7 admitted for the truth of -- you know, but it deals with his  
8 efforts to get his kids back, judge.

9 THE COURT: Yeah, I'm going to allow it as to what he  
10 was told, that he was told this. Whether it's true or not is  
11 something that -- it's not being offered for that purpose. I'm  
12 allowing it. You can even say what is the result of your  
13 conversation with the -- with the principal, what did you do  
14 next. That I think would be a proper way to get around it.

15 THE WITNESS: Okay. And then next the -- the  
16 principal called me and -- I had went back to Georgia and the  
17 principal called me when she received transcripts from the  
18 school where they had been attending then and let me know the  
19 name and location of that school. So it was a Friday -- I  
20 believe it was a Friday. I left and went to California I -- I  
21 just stayed till Monday morning and then Monday morning I went  
22 to the school and I just went into the school ground and found  
23 all three of them and got them in my car and I just left and  
24 come on back to Georgia.

25 BY MR. WEICHSEL:

1 Q. How long were the kids away from you?

2 A. Approximately six months.

3 Q. What was -- before Loopey took the kids, and I'm  
4 talking about Jamie now, when she was three and a half, what  
5 was your relationship with Jamie?

6 A. I mean we -- we was -- I mean it was good. It was just  
7 good. I mean we -- the biggest thrill I think they ever had in  
8 their lives was some -- just a little trivial thing. Every  
9 Friday I would take them to -- there was a TGY store and I let  
10 them pick out one little thing. And the boys always got a Hot  
11 Wheel and Jamie, she would -- she would -- she was a little  
12 young and she would just get little makeup stuff or something,  
13 but all they could spend was a dollar and that was a real big  
14 deal and big event. And then we went and eat and I mean it was  
15 nice.

16 Q. When Jamie -- you got Jamie in California and brought  
17 her back to Georgia, was there -- was there -- did you notice  
18 anything different about Jamie?

19 A. Well we never was close after I got them back. I guess --  
20 I guess they lost trust in me because -- well I can't say what  
21 she said. I guess they kind of assumed that I -- they -- they  
22 -- they didn't think I wanted them is why they had to go to  
23 California. So while I wasn't -- I wasn't around for six  
24 months. They didn't think that I was even looking, they didn't  
25 think anything. They thought I just didn't -- didn't care. So

1 when I got them back I guess they -- they never trusted me, but  
2 they would never -- they never shared with me things that they  
3 should have after that.

4 Q. Now when -- when they got back to Georgia who did --  
5 did Jamie stay with any relatives?

6 A. Well this was a long time after that, that she did stay  
7 with relatives. Before -- before -- I don't know, we're  
8 jumping around a lot of time span here.

9 THE COURT: Just a minute. Why don't you be more  
10 precise in your questions?

11 MR. WEICHSEL: Okay.

12 BY MR. WEICHSEL:

13 Q. Let me -- I'll withdraw that. When you first got  
14 back to Georgia where -- where were you living?

15 A. We lived --

16 THE COURT: Wait a minute, just -- Georgia when?

17 MR. WEICHSEL: I'm withdrawing that.

18 BY MR. WEICHSEL:

19 Q. When you -- when the kids came back from California.

20 THE COURT: When he picked up the children and --

21 BY MR. WEICHSEL:

22 Q. When you picked up the kids in California and went  
23 back to Georgia where were you living?

24 A. I believe I moved in with my sister at first because I had  
25 to sell everything I had while I was searching --

1 THE COURT: You were living with your sister.

2 BY MR. WEICHSEL:

3 Q. And what was -- what's your sister's name?

4 A. Phyllis Farthing -- Phyllis Wright (phonetic), I'm sorry.  
5 Phyllis Wright.

6 Q. And what town was that in?

7 A. It was in Monroe, Georgia.

8 Q. And how long did you stay with Phyllis?

9 A. Probably three months.

10 Q. And where did you go from there?

11 A. Then I got my own place, I rented a trailer.

12 Q. And where was that?

13 A. That was in Monroe, Georgia too.

14 Q. How long did you stay in Monroe?

15 A. We stayed in Monroe probably three years.

16 Q. And where did you go from there?

17 A. Then we moved to Athens; that's when I met Kathy.

18 Q. And when you were living in Athens where were you  
19 living?

20 A. We -- I was living in a trailer in Athens also. It was a  
21 little town, Arcaid (phonetic) outside of Athens.

22 Q. Now how old was Jamie when you -- when you met Kathy?

23 A. Let's see, she -- Jamie would have been six years old.

24 Q. Now do you -- when -- did you divorce Loopey?

25 A. Yes, sir.



1 Q. What year was that?

2 A. 1983.

3 Q. After you brought Jamie back from California did she  
4 see Loopey on a regular basis, her mother?

5 A. No, sir. When I -- when I brought the kids back from  
6 California I wouldn't let her see them. I wouldn't -- I just  
7 couldn't allow it. And then well she -- she never made an  
8 attempt to see them that I know of.

9 Q. Now --

10 A. Let's see, it was -- it was -- I don't know, she just  
11 never made no attempt to see them, so I wouldn't have allowed  
12 her to.

13 Q. Now, Mr. Farthing, you've been convicted of a crime,  
14 isn't that correct?

15 A. Yes, sir.

16 Q. And what's that crime?

17 A. Pointing a pistol at another. That was --

18 Q. Who did you point a pistol at?

19 A. It was -- it was Loopey, my ex-wife.

20 Q. And when was that?

21 A. I guess it was -- we -- this was after we'd moved to  
22 Conyers, Georgia. Let's see, well I was already married to my  
23 wife now, Kathy, and she had already adopted the three kids and  
24 Loopey came -- there's a dead end street beside our house and  
25 Loopey came there and the boys come running up, they was --

1 Jason was real scared. So I followed -- I followed her into  
2 town, they went to I believe it was a K-Mart parking area. We  
3 had had a court proceeding before this and she was not allowed  
4 -- she was on probation and she was not allowed to come within  
5 so many yards or something of the school, of my house.

6 MS. BAGLIVI: Judge I'm sorry, I didn't hear that  
7 word. He had a?

8 MR. WEICHSEL: Court proceeding.

9 MS. BAGLIVI: Oh, a court proceeding, I'm sorry.

10 BY MR. WEICHSEL:

11 Q. Go ahead.

12 A. And the -- and the bus route. Well I called the police  
13 and I told them where she was at that time because they had not  
14 served her; she didn't know she was on probation for this, they  
15 had to serve her first or that's the way that I understood it,  
16 that she had to be served before it meant anything. Well the --  
17 - she was in the -- I was in the parking lot there for about 45  
18 minutes and the vehicle didn't move or anything. So I called  
19 the police back and they just told me that they could not find  
20 her. I didn't see a police car or nothing and I sat there the  
21 whole time. So I don't know how long it was later, it was  
22 within a one week span. I was going to Lawrenceville, I  
23 believe to see a lawyer because I wanted this served. And I  
24 just happened to pass her on the street. I turned around, I --  
25 I just -- I was in my Blazer, and she pulled into that little

1 town of Greyson -- she didn't know I was behind her. She  
2 pulled in so I just took my Blazer and I just blocked her where  
3 she couldn't get out. I just reached and got my gun and I just  
4 opened the door and put it on her. And there was some people  
5 standing there and I just asked them if they'd call the police.  
6 I knew the gun would get their attention and they'd be there  
7 right quick. That's what I -- well I went -- when I went to  
8 court for that -- that's -- I mean that's exactly what I told  
9 the judge and that's all I wanted to accomplish and I guess I  
10 did, I don't know.

11 Q. And you -- you were convicted of pointing a gun?

12 A. Yes, sir.

13 Q. And you were sentenced?

14 A. Yes; well I pled guilty, sir.

15 Q. Now how did you -- after Jamie came back to you from  
16 California and began living with you, how did you discipline  
17 Jamie?

18 A. At that point she was kind of -- kind of real young, there  
19 was -- I mean there wasn't much of a problem.

20 Q. Did there come a time that Jamie did become a  
21 problem?

22 A. Later on, yes.

23 Q. How old was she?

24 A. It probably -- she was probably 14 -- 14 probably when --  
25 there was probably no more than just normal, you know, trying -

1 - trying out her own wings, you know, trying to be her own  
2 person and all. I just -- I guess I'm a dominating person.

3 Q. And how -- how did you discipline her?

4 A. I disciplined them -- I'd -- I'd either send them to their  
5 room or I'd paddle them; I had a paddle I used.

6 Q. What would you paddle Jamie for, what kind of things?

7 A. I mean talking back, talking back you know, if it just  
8 went on, lying to me, that was -- I didn't like being lied to  
9 at all.

10 Q. Anything else you can remember?

11 A. Well sometimes if I -- if I had to tell her like two or  
12 three times I might -- I might use the paddle you know, if  
13 words didn't do any good.

14 Q. What was -- describe Jamie's relationship with Kathy?

15 A. I always thought everything was good. I could tune things  
16 out. I could just ignore things. It was like if I ignored  
17 them they didn't -- they didn't happen, so there was a lot of  
18 things that was going on just that I didn't accept, I ignored,  
19 I don't know what.

20 Q. Well --

21 A. But her relation -- her relationship with Kathy I guess  
22 was one of resentment. She come in -- she took my ex-wife's  
23 place, Loopey, her natural mother's place and at -- at this  
24 time my older son was really giving me a lot of problems and I  
25 don't know, I just -- I didn't give Jamie a chance. I -- I

1 would -- Jason could manipulate. When -- when -- when I'd get  
2 home from work, within ten minutes he could have me just in a  
3 frenzy and then it would affect the way I treated the whole  
4 household.

5 Q. Well you had said when you were married to Loopey  
6 that you were doing a lot of drinking, right?

7 A. Yes, sir.

8 Q. How long did that continue?

9 A. I wasn't -- let's see, when I met Kathy, let's see, I was  
10 probably just drinking socialably then, I would not get drunk  
11 then. Then I don't really know when I quit drinking. It just -  
12 - it just happened. I don't -- I don't really think of myself  
13 as quitting or anything. I mean sometimes I'll still have a  
14 beer maybe on New Years or something.

15 Q. Now --

16 A. I just quit over a period. I mean I just -- I don't know,  
17 I just quit, I didn't want it.

18 Q. Did there come a time that Jamie went to live with  
19 her Aunt Phyllis?

20 A. Yes, sir.

21 Q. And when was that?

22 A. She was -- I believe she was 17 years old then; it was the  
23 end of her 16th year or the first part of her 17th year.

24 Q. And why did you have her go live with Phyllis?

25 A. Well she -- for -- for some reason -- that's not right.

1 Q. I'm sorry?

2 A. She -- she started -- she just got a different set of  
3 friends I think, but these friends had started coming around.  
4 They would never look at me. If I said hey -- we say hey in  
5 the south, up here it's hi. If I said hey to them they'd never  
6 -- they would never respond to me. They'd just park, walk  
7 around the side of the house and go down to the beach. We -- I  
8 dug out a little place to put a beach area in. They'd go down  
9 there and then I'd start finding empty beer cans and roaches  
10 and stuff down there and I just told Jamie and Jessie that I  
11 couldn't be having that, but I mean I just couldn't have it;  
12 they should have enough respect for me if they want to do stuff  
13 like that go elsewhere. Well it went on and went on and I  
14 couldn't -- and I couldn't do anything about it. And I told  
15 them they had to leave. And I kicked them out of the house,  
16 but I -- gosh, I'm getting all confused here. I think I -- I  
17 think my sister volunteered -- before this, before I kicked  
18 them out I think my sister volunteered to have Jamie stay with  
19 her because things were so bad and all. And then --

20 Q. How long did she stay with your sister?

21 A. That was probably about three months that she stayed with  
22 her.

23 Q. And did she come back to the house in Conyers?

24 A. Yes -- yes, sir and that's -- that's when -- that's when I  
25 noticed these different friends, that she was -- I think she

1 was having some contact with Loopey at this time also, that she  
2 was seeing Loopey.

3 Q. Do you know that?

4 A. I can't say I know if for a fact, I've just been told, so  
5 --

6 MS. BAGLIVI: Judge, objection. I would ask that it  
7 be stricken?

8 THE COURT: The jury can make a distinction on it;  
9 that's what he was told, he doesn't know it for a fact.  
10 They're not to consider it though.

11 BY MR. WEICHSEL:

12 Q. And then did there come a time that you asked Jamie  
13 to leave the house?

14 A. Yes, sir.

15 Q. When -- do you remember when that was?

16 A. The date? No, sir.

17 Q. The season of the year?

18 A. It would have been -- they were crazy days. I don't  
19 remember the season or anything. It was summertime because it  
20 was warm.

21 Q. Do you remember the year?

22 A. That would have been -- I believe it was '93, 1993.

23 Q. And when you asked her to leave the house what did  
24 you say to her?

25 A. I just -- I just told her she had to pack her clothes and

1 go.

2 Q. How old was Jamie then?

3 A. She was -- I believe 17, maybe -- yeah, 17 at that time.

4 Q. And you just told her to pack her clothes and go?

5 A. Yes, sir.

6 Q. Did you tell anybody else to leave the house at that  
7 time?

8 A. My son Jessie also.

9 Q. And did you give them any money?

10 A. No, sir.

11 Q. Was Jamie in school then?

12 A. She had -- no, she wasn't in school then I don't think;  
13 she was going back to school.

14 Q. She was going to go back to school?

15 A. I don't know, I didn't -- at that time I did not believe  
16 she would.

17 Q. Okay. Did she have a job?

18 A. No, sir.

19 MR. WEICHSEL: That's all I have.

20 CROSS EXAMINATION BY MS. BAGLIVI:

21 Q. Mr. Farthing, you were living in Indiana for a time?

22 A. Yes, ma'am.

23 Q. You have family there, correct?

24 A. Yes.

25 Q. Okay. Is that where you're originally from?



1 A. I was born and raised there, yes.

2 Q. Okay. And California, Loopey -- you were stationed  
3 in California when you were living there at one point in time,  
4 correct?

5 A. Yes, ma'am.

6 Q. Okay. You had no choice in the matter, you were  
7 stationed there by the government?

8 A. Yes, ma'am, in the Army.

9 Q. Okay. And, sir, you're a construction worker by  
10 trade, is that correct?

11 A. Yes, ma'am.

12 Q. Okay. And as a matter of fact you rebuilt that house  
13 on High Rock Road, isn't that correct, for your family?

14 A. Yes, ma'am, I did.

15 Q. Okay, you had -- you didn't -- you didn't build the  
16 original house, you had fixed it up after you --

17 A. Yeah, I remodelled it.

18 Q. After it had been destroyed by a fire?

19 A. Well smoke damage.

20 Q. Okay. And that's a pretty nice house up -- set back  
21 from the road with a lake in the back, isn't that correct?

22 A. Yes, ma'am.

23 Q. With some nice woods around it?

24 A. Yes, ma'am.

25 Q. Okay. And High Rock Road has got a lot of nice

1 houses along that road, doesn't it?

2 A. At that time it -- it was --

3 Q. No, now. What is it -- now, what does it look like  
4 in 1994?

5 A. Well there's a lot of trailers and stuff down --

6 Q. Down back by the lake, correct? But what about on  
7 High Rock Road, as you come in on High Rock?

8 A. Well --

9 Q. Off of that main highway?

10 A. Yeah, that's -- that's what I'm saying.

11 Q. Yeah, aren't there all houses on that street?

12 A. No, ma'am, there's --

13 Q. There's no houses?

14 A. There's trailers on both sides of me. There's a house  
15 next to me with trailers there and then trailers on the other  
16 side.

17 Q. No, I'm not -- okay.

18 MR. WEICHSEL: Judge, let --

19 THE COURT: Let him finish describing it.

20 BY MS. BAGLIVI:

21 Q. Okay. I'm asking you about the --

22 THE COURT: No, let him finish describing it.

23 Describe your surroundings to your home.

24 THE WITNESS: Okay, when -- when you come down

25 highway -- you come in on -- I don't -- if I just describe it

1 High Rock starts I guess where a little -- this little dead end  
2 road is. There's two trailers, then there's two houses and  
3 mine is the second one. Then there's one, two -- I believe  
4 three more trailers and then there's another house and then the  
5 rest is trailers. On the left the road goes back and that's a  
6 trailer court.

7 BY MS. BAGLIVI:

8 Q. Sir, when you come in off the high -- that highway,  
9 it's like a four lane road? When you hit the traffic light you  
10 make a left onto High Rock Road, do you know where I'm talking  
11 about?

12 A. Yes, ma'am.

13 Q. That's all houses, isn't that correct?

14 A. The first stretch of that road.

15 Q. Right.

16 A. There's a subdivision on the right hand side.

17 Q. There's a what?

18 A. A subdivision.

19 Q. Okay.

20 A. I think it's Kings Wood.

21 Q. And pretty nice houses, correct?

22 A. Yes, ma'am.

23 Q. Okay. And the road is pretty wooded, a lot of trees,  
24 that kind of thing?

25 A. Yeah.

1 Q. Okay. Now Jamie had her own room in this house on  
2 High Rock Road?

3 A. Right.

4 Q. Okay. Was she responsible for cleaning it?

5 A. Well she -- she was responsible for it.

6 Q. That's what I'm saying. But she was a little messy?

7 A. Right.

8 Q. She didn't clean her room when she was supposed to?

9 A. Yes, ma'am..

10 Q. You have to verbalize, okay? Now you said when  
11 Loopey took the kids to California that Jamie was approximately  
12 two and a half -- I'm sorry, three and a half years old,  
13 correct?

14 A. Yes, I -- yes, that would be correct.

15 Q. Okay. And Jamie was born in 1976, correct?

16 A. Yes, ma'am.

17 Q. Okay. And was she born in Florida?

18 A. Yes.

19 Q. Okay. And you were living all down in Florida at  
20 that time? You, your -- your wife, Loopey, and your other son  
21 -- or actually both sons? Jamie is the youngest?

22 A. Jamie's the youngest, yes. We was --

23 Q. Okay. So in Florida when Jamie was born you're all  
24 living down there as a family, correct?

25 A. No, ma'am.

1 Q. Who was living in Florida?

2 A. Loopey was living in Florida with Jason and Jessie at the  
3 time, we were separated.

4 Q. Okay. And Jamie was born when you were separated, is  
5 that what you're saying?

6 A. Yes, ma'am.

7 Q. Okay. When did you get back together again with  
8 Loopey?

9 A. When Jamie was born.

10 Q. Okay. And how long did you stay in Florida?

11 A. We didn't stay in Florida.

12 Q. Okay, you left Florida?

13 A. Right, we went back to Indiana.

14 Q. Okay. And that's where your family is from, correct?

15 A. Yes, ma'am.

16 Q. Okay. And then eventually from Indiana you moved to  
17 Georgia, is that correct?

18 A. No, ma'am.

19 Q. Where did you go?

20 A. We might have went back down to Florida one time, but I  
21 believe we went to California.

22 Q. Okay. Were you working in California?

23 A. Yes, ma'am.

24 Q. Okay. And did there come a point in time however,  
25 when Loopey left for sort of like the last time, correct?

1 A. Yes, ma'am.

2 Q. Okay. And when was that?

3 A. See I -- I believe it was 1980, I can remember that, it  
4 was --

5 Q. Okay. Sir, --

6 A. -- March of 1980.

7 Q. Sir, didn't you tell Mr. Weichsel that when you sent  
8 back to Georgia you took the children from Loopey and you went  
9 back to Georgia and Jamie was only two and a half years old?

10 A. Yes.

11 Q. Okay. So that would actually be 1978 and a half,  
12 correct? She's born in '76, two and half years later it would  
13 only be '78 -- halfway through '78, correct?

14 A. I'm not following.

15 Q. Let me rephrase that. When you took Jamie out of the  
16 environment with Loopey and went back to Georgia she was two  
17 and a half years old, correct?

18 A. Yes.

19 Q. Okay.

20 A. That makes it '78 and a half say.

21 Q. Okay. Now --

22 A. But that wasn't our final time with breaking up.

23 Q. Sir, you went back to Georgia. Didn't you tell the -  
24 - this jury that you went back to Georgia and you separated  
25 from her and you took the kids to Georgia and that's where you

1 resided ever since?

2 A. That's what we did, I went back to Georgia and we -- when  
3 we separated in Georgia -- I went back to Georgia and we  
4 separated in Georgia.

5 Q. No.

6 A. That's what I thought I said.

7 Q. Okay. And, sir, as a matter of fact, Loopey gave you  
8 full custody of the children, isn't that correct?

9 A. Yes, ma'am.

10 Q. Okay. And she even signed a court agreement to that  
11 effect giving you custody of the children?

12 A. Yes, ma'am.

13 Q. Okay. And now you said that your relationship with  
14 Jamie was good up until the point she went to California? I  
15 mean up until the point that Loopey took them to California?

16 A. Yes, ma'am.

17 Q. Okay. And you said that when they got back you felt  
18 like they didn't trust you because they didn't know that you  
19 had been looking for them, they thought that you had abandoned  
20 them?

21 A. Yes, ma'am.

22 Q. Okay. Did you tell them that you had been searching  
23 all over for them?

24 A. I don't -- I don't remember.

25 Q. Okay. And did you try to reassure them in any way

1 that you loved them?

2 A. I think I just assumed they knew it.

3 Q. Did you provide a roof over their heads?

4 A. Yes.

5 Q. Food and clothing for them? You have to verbalize.

6 A. Yes, ma'am.

7 Q. Okay. And you said that during this point in time  
8 you had stayed with your sister, Phyllis, with the three  
9 children, correct?

10 A. Yes, for about three months I think.

11 Q. Three months. Then you got a place, a trailer I  
12 think you said? And did you move all three children into that  
13 trailer with you?

14 A. Yes, ma'am.

15 Q. Okay. And then it was right after that that you said  
16 you met Kathy, is that correct?

17 A. It was a time after that. I had --

18 Q. That's what I'm saying. After the trailer, the next  
19 event is that you meet Kathy and you eventually get married, is  
20 that correct?

21 A. Well I mean if we want to get events --

22 Q. Sir, I'm asking you if that's the next event that  
23 came after that? I mean I realize there's a time difference.

24 A. I'm trying to answer, but I mean you're -- you're putting  
25 this into like events that happened that might --



1 Q. That's what I'm asking you.

2 A. -- effect this or something? I'm trying to give you the  
3 next event.

4 Q. Well I'm -- but I'm not asking you -- I'm asking --

5 THE COURT: Don't argue, let him answer. What's the  
6 next event? Go ahead.

7 THE WITNESS: When -- I mean -- I had a lot of  
8 girlfriends that I -- well a couple of them I -- I moved -- I  
9 lived with, with the kids.

10 BY MS. BAGLIVI:

11 Q. Oh, you had a couple of girlfriends that you lived in  
12 different locations or still in this trailer? Or a different -  
13 - different places?

14 A. Different places.

15 Q. Okay. Well, sir, do you remember Mr. Weichsel asking  
16 you where did you go next after Phyllis', I rented a place of  
17 my own and I stayed there for three years, then we went to  
18 Athens and met Kathy. Do you recall saying that?

19 A. I said I stayed in Monroe for three years and I did.

20 Q. Okay. And you never mentioned anything about these  
21 other locations with these girlfriends, is that correct? You  
22 didn't mention it to this jury before when you were asked about  
23 the different places that you lived, did you?

24 A. No, ma'am.

25 Q. Okay. Now, sir, you said you met Kathy and you moved

1 into the trailer with her and the three kids, is that correct?

2 A. Yes, ma'am.

3 Q. Okay. And then after that is when you started fixing  
4 up the High Rock Road house, is that correct? You moved to a  
5 small house and you were working on the big house, is that  
6 correct?

7 A. Well we bought the house on High Rock Road and it burnt  
8 after -- after the closing. I think it was five days after we  
9 closed on it.

10 Q. Okay.

11 A. And yes, we rented a -- a small house on 138 while I was  
12 dealing with the insurance company.

13 Q. Okay. And then you said there came a point in time  
14 after that, that Loopey came by Conyers, is that correct?

15 A. Yes, ma'am.

16 Q. Okay. And that's when you talked about this gun  
17 thing, isn't that correct? The gun incident?

18 A. Right, it was after --

19 Q. When she came back?

20 A. After that, yes.

21 Q. Okay. And would it be fair to say, sir, that you  
22 risked a criminal conviction to protect your daughter, Jamie  
23 Farthing? Isn't that correct? Would that be a fair statement?

24 A. I did what I did.

25 Q. Because you loved your daughter and you sons?

1 A. Oh, I love them, yes.

2 Q. Okay. You did it to protect them?

3 MR. WEICHSEL: Objection, asked and answered.

4 THE WITNESS: I --

5 THE COURT: I'll let him answer it.

6 THE WITNESS: I didn't want her to see them. I guess  
7 you'd call that protecting them from her.

8 BY MS. BAGLIVI:

9 Q. Okay. Now you said that at age 14 Jamie was trying  
10 out her wings, is that correct? Is that the expression you  
11 used?

12 A. That -- yeah.

13 Q. Okay. And she was going to school at the time?

14 A. Yes, ma'am.

15 Q. And you were all living on High Rock Road, is that  
16 correct?

17 A. Yes, ma'am.

18 Q. Okay. And you said sometimes she got hit because she  
19 was talking back to you?

20 A. If she would talk back and -- and -- I mean continue; yes,  
21 she would.

22 Q. Okay. So --

23 A. She'd get paddled, I would say --

24 Q. Right, so if she showed you disrespect or your wife  
25 disrespect too many times she'd get paddled?

1 A. Yes, ma'am.

2 Q. Okay. And if she lied too often she'd get paddled?

3 A. She probably got paddled if I found out she lied period.

4 Q. Okay. So if she lied once she got paddled?

5 A. Yes, ma'am.

6 Q. Okay. And if you had to sometimes tell her to do  
7 something three times she would get paddled, is that correct?

8 A. She might, yes.

9 Q. Okay. And what about Kathy? Would Kathy paddle --

10 MS. BAGLIVI: Judge, the witness would like some  
11 water?

12 THE WITNESS: Could you ask that again?

13 BY MS. BAGLIVI:

14 Q. All right, you want to wait for water?

15 THE COURT: Go ahead, ask the question.

16 BY MS. BAGLIVI:

17 Q. Would Kathy paddle Jamie?

18 A. I don't believe Kathy ever paddled Jamie, no.

19 Q. Did Kathy ever physically abuse Jamie?

20 A. Not to my knowledge.

21 Q. Okay.

22 A. But now they kept a lot of -- there was a lot of stuff  
23 that --

24 Q. Sir, there's no question before you. Sir, when you  
25 said you asked Jamie to leave you said it was 1994. Could it

1 have been 1994, June around '94?

2 A. Yes, ma'am.

3 Q. When you asked her to leave the house?

4 A. Yes.

5 Q. It was right around the time that all these other  
6 things had happened, isn't that correct?

7 A. Yes -- yes.

8 Q. It was '94? You said '93, but wasn't it '94?

9 A. I'm not good with dates, ma'am.

10 Q. Okay. When you told her she had to leave the house  
11 you let her take the car with you? With her?

12 A. Yes.

13 Q. Okay. The car that you and Kathy had bought for her  
14 so she could go back and forth to school and use to do whatever  
15 she wanted to do?

16 A. That's right.

17 Q. Okay. And get to her job? She worked in a comic  
18 book store, didn't she, part time?

19 A. She had -- I don't know if she was working at that book  
20 store at that time. I -- I didn't think she was.

21 Q. When was she working at the comic book store, do you  
22 recall?

23 A. No, I don't recall. She -- she didn't work there all that  
24 long.

25 Q. Okay. Well approximately how old was she?

1 A. Seventeen.

2 Q. Okay. And she had a part time job there at the book  
3 store, the comic book store?

4 A. Yes, I -- yes, it had to be part time.

5 Q. It was part time, it wasn't full time?

6 A. Yes, it had to be part time.

7 Q. Okay. And she was going to school at the time?

8 A. Yes.

9 Q. Okay. And you had no problem with her working at the  
10 comic book store?

11 A. No -- I didn't -- at that -- at that time -- you asked me  
12 if I had a problem with it. I didn't even --

13 Q. Well did you --

14 A. I wasn't involved in it.

15 Q. Well that's what I'm saying; I mean did you allow  
16 your children to have part time jobs if they wanted to have  
17 them?

18 A. I wouldn't deny it, no.

19 MS. BAGLIVI: Okay, I have nothing further.

20 REDIRECT EXAMINATION BY MR. WEICHSEL:

21 Q. Now the prosecutor asked you when Loopey took the  
22 kids to California. Are you sure of the date?

23 MS. BAGLIVI: Judge, he didn't give a date, he just  
24 gave a year -- I mean a age.

25 BY MR. WEICHSEL:

1 Q. Are you sure the -- are you sure of that age, three  
2 and a half?

3 MS. BAGLIVI: Judge, I'm going to object. It was --

4 THE COURT: The age of two and a half?

5 MR. WEICHSEL: Three and a half.

6 THE COURT: I'll sustain the objection; you're asking  
7 whether he's sure of an answer?

8 MR. WEICHSEL: Well --

9 THE COURT: You can't do that.

10 BY MR. WEICHSEL:

11 Q. Do you -- let me ask you another way. You said  
12 you're not good with dates and times?

13 A. No, sir.

14 Q. You started giving an answer to the prosecutor  
15 regarding things between Jamie and Kathy and you started  
16 talking about lots of stuff. Could you -- what were you  
17 talking about then?

18 MS. BAGLIVI: Judge, could -- could I have a -- I  
19 have to object to the form of the question. I have no idea  
20 what it means.

21 MR. WEICHSEL: That's why I was asking him --

22 MS. BAGLIVI: About the stuff, the --

23 THE COURT: He's saying he didn't complete his answer  
24 and I think his answer was objectionable. Sidebar please.

25 (SIDEBAR)

1 THE COURT: I anticipate -- I anticipate what you're  
2 saying, that he was giving an answer and then he stopped.

3 MR. WEICHSEL: Right.

4 THE COURT: And he was saying that he didn't -- in  
5 response to the prosecutor's question that he did not see Kathy  
6 hit her or anything like that.

7 MR. WEICHSEL: NO, no, it was -- okay, yeah.

8 THE COURT: And he was going to go on to say that --  
9 what I anticipated is that there were a lot of things that were  
10 kept from him.

11 MS. BAGLIVI: Right.

12 MR. WEICHSEL: Yes.

13 THE COURT: That's what you want to get in?

14 MR. WEICHSEL: Right.

15 MS. BAGLIVI: You can't. My -- my objection is if  
16 they kept it from him he didn't witness it --

17 THE COURT: That's right.

18 MS. BAGLIVI: -- so everything he knows is through  
19 hearsay.

20 THE COURT: You can't go after that. A lot of things  
21 were kept from him (inaudible) heard about, were kept from him  
22 and (inaudible) true or not.

23 MR. WEICHSEL: I --

24 THE COURT: Okay? All right, sustained.

25 (END OF SIDEBAR)



1 BY MR. WEICHSEL:

2 Q. Let me ask you about living in Georgia and before you  
3 met Kathy and you started telling about girlfriends. Could you  
4 tell me, did you live with other women?

5 A. Yes, sir.

6 Q. How many, if you know?

7 A. There was two -- two.

8 Q. And where were the kids when you were living with  
9 these women?

10 A. They was with me.

11 Q. Do you remember the names of these women?

12 A. Yes.

13 Q. What were they?

14 A. The one was Darla Rice and the other one was Susan  
15 Johnson.

16 Q. Do you remember how long you lived with them, one at  
17 a time?

18 A. No, sir, I don't. It wasn't a long period.

19 Q. Are you talking about months, years?

20 A. Months.

21 Q. And where were they living? When they lived with you  
22 where -- where were you living?

23 A. We'd -- we'd just get a place. Me and Darla, I rented a  
24 house on just a side road, and then with Susan I just rented a  
25 trailer outside of Monroe.

1 Q. Were there any times when you were living with Kathy  
2 that you and Kathy separated?

3 MS. BAGLIVI: Judge, objection; beyond the scope.

4 MR. WEICHSEL: I forgot, judge, I apologize.

5 THE WITNESS: Well --

6 THE COURT: Well just a minute. If you forgot you're  
7 leading him into something. I'll allow you to ask the  
8 question, but rephrase it. Since you say you forgot I'm  
9 allowing you to go back into direct and --

10 MR. WEICHSEL: Thank you.

11 THE COURT: -- rephrase that question.

12 MR. WEICHSEL: Okay.

13 BY MR. WEICHSEL:

14 Q. Were there any times when you were married to Kathy -  
15 - let me rephrase it. While you were married to Kathy were  
16 there any times that -- that you had separated from her?

17 MS. BAGLIVI: Judge, it's --

18 THE COURT: I'll allow it.

19 MR. WEICHSEL: Okay.

20 THE WITNESS: Yes, sir. WE moved down to south  
21 Georgia, that's where Kathy was raised. And this was a time  
22 that my older son and me was having some bad problems and it  
23 was -- it was rough. I wasn't a very good person through that.  
24 I know I'd get mad and I'd yell, I probably threw things,  
25 plates or something. And it just -- it was just building up and

1 building up and there just seemed to be no end to it or no way  
2 to -- to stop what was happening around the house. And I love  
3 Kathy very much and I wanted to give her a way out of it so I  
4 thought that if I left and went to Indiana her father is a man  
5 I respect very highly and I figured if she wanted to divorce  
6 me, which I guess she should have, that that would give her the  
7 opportunity, that her dad could talk her into doing that.

8 BY MR. WEICHSEL:

9 Q. How long were you up in Indiana?

10 A. It was just for the summertime, three months.

11 Q. And where was Jamie during that time?

12 A. Jamie was with me.

13 Q. And then after the summer did you go back to Georgia?

14 A. Right.

15 MR. WEICHSEL: Thank you.

16 THE COURT: Anything else?

17 MS. BAGLIVI: Is he finished.

18 THE COURT: He's finished.

19 MS. BAGLIVI: Nothing, judge.

20 THE COURT: Okay, you may step down. Thank you, Mr.

21 Farthing. Watch your step.

22 Does the defense have another witness?

23 MR. WEICHSEL: No, the defense rests, judge.

24 THE COURT: The defense rests?

25 MR. WEICHSEL: Yes.

1 THE COURT: Does the State have any witnesses?

2 MS. BAGLIVI: Yes, judge, Dr. Simring.

3 THE COURT: All right, Dr. Simring will be prepared  
4 to testify this afternoon?

5 MS. BAGLIVI: Yes.

6 THE COURT: All right.

7 All right, ladies and gentlemen, the defense has  
8 finished his case, the State has also finished its case, they  
9 have rested, however, the State is permitted to bring a  
10 rebuttal witness in which would be the psychiatrist that has --  
11 is going to testify on behalf of the State, that's Dr. Simring.  
12 He will be available at 1:30 and I believe that should be --  
13 are there any other rebuttal witnesses?

14 MS. BAGLIVI: Judge, there may be one very short one,  
15 I have to --

16 THE COURT: We'll discuss that.

17 MS. BAGLIVI: Okay.

18 THE COURT: But we should finish the case today. And  
19 then tomorrow -- on Monday we will have summations and I'll  
20 charge you on Monday, but I'll discuss a little bit more of  
21 that with you this afternoon. But just anticipate that Monday  
22 you should get the case. All right? In other words,  
23 summations by the attorneys. First thing Monday morning  
24 they'll give their summations as to the case and then I will  
25 charge you with the law and then it's your case, 12 of you

1 anyway.

2 All right, now don't discuss the case amongst  
3 yourselves now, come back at 1:30 and we'll be prepared to go  
4 and hear testimony this afternoon. All right?

5 (PAUSE - THE JURY LEAVES THE COURTROOM)

6 THE COURT: Now, Ms. Baglivi, it's a quarter after  
7 twelve. I expect that you have conference with your witness.

8 MS. BAGLIVI: We'll be ready to go at 1:30.

9 THE COURT: Be ready at 1:30.

10 MS. BAGLIVI: Yes, sir.

11 THE COURT: You'll have enough time to do that?

12 Okay. All right, 1:30 then.

13 MR. WEICHSEL: Thank you.

14 MS. BAGLIVI: Thank you.

15 (RECESS)

16 THE COURT: Before we begin with the jury there's one  
17 other matter I wanted to touch base with, and that is this --  
18 the -- the defense is indicating that it has rested its case.  
19 I'm going to ask that Ms. Farthing, would you please stand? As  
20 I mentioned to you earlier, your right to testify in this case,  
21 it's your right. You don't have to testify, you have  
22 absolutely no obligation however, if you choose not to testify  
23 that must be your choice, not your attorney's. It must be a  
24 choice that you have made. Have you thought about what I did  
25 mention to you a day or so ago?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Is it your desire not to testify in this  
3 case?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right, and no one's -- no one's  
6 forcing you not to testify?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right, now I did read to you a -- a  
9 form of charge to the jury regarding that matter, you remember  
10 that?

11 THE DEFENDANT: Yeah.

12 THE COURT: Have you made a -- have you thought about  
13 whether you'd like me to charge the jury --

14 THE DEFENDANT: Yeah, I'd like you to read that to  
15 them.

16 THE COURT: You would like me to read that to them?  
17 Okay, then I will. And that's the -- the charge indicating the  
18 fact that you have not testified, they do not in any interpret  
19 that as any guilt in your part and you have an absolute right  
20 to -- not to testify, in fact the language I did read to you,  
21 in essence it's that in arriving at their verdict the fact that  
22 the defendant did not testify nor should that fact that she  
23 didn't testify enter into their deliberations or discussions in  
24 any manner at any time. I will remind them that they're --  
25 that you are entitled to have the jury consider all of the

1 evidence and that you are entitled to the presumption of  
2 innocence even if you do not testify as a witness. Correct?  
3 Do we understand each other on that?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. And I will tell -- I will  
6 instruct the jury. Anything else, counsel?

7 MR. WEICHSEL: No, judge.

8 THE COURT: All right, thank you.

9 All right, with that any other -- I have potential  
10 verdict sheets that have been completed. I'd like you to at  
11 least -- to some degree I'd like you to review those. I'm  
12 going to give you a copy. I'll give you a copy after the --  
13 after we have finished testimony. But remind me that I have  
14 them here and I want you to take them and review them and if  
15 you see any corrections, changes, deletions, amendments you are  
16 to let me know. All right?

17 MS. BAGLIVI: Sure.

18 THE COURT: And you have a witness ready?

19 MS. BAGLIVI: Yes, judge.

20 THE COURT: All right, bring up the jury please.

21 THE COURT OFFICER: Yes, Your Honor.

22 THE COURT: Dr. Simring's report is -- does that have

23 a --

24 MS. BAGLIVI: A number?

25 THE COURT: I.D.?

1 MS. BAGLIVI: Yes, judge.

2 THE COURT: If we make reference to it. I just want  
3 to mark it on my --

4 MS. BAGLIVI: Sure. Actually, judge, I don't think I  
5 marked it. I'm sorry, it's not on my exhibit list.

6 THE COURT: Well we'll do that after we start.

7 MS. BAGLIVI: Sure. It would be S-260.

8 (PAUSE - THE JURY ENTERS THE COURTROOM)

9 THE COURT: Good afternoon, ladies and gentlemen. We  
10 are ready to proceed. The exhibit is marked S-260?

11 MS. BAGLIVI: Yes, judge.

12 THE COURT: Mr. Weichsel, it's S-260.

13 MS. BAGLIVI: I'm sorry, 261; 260 is the letter. I'm  
14 sorry, judge.

15 THE COURT: 261, that's Dr. Simring's report.

16 MS. BAGLIVI: Yes.,

17 THE COURT: All right, call your next witness.

18 MS. BAGLIVI: Your Honor, the State would call Dr.  
19 Steven Simring.

20 THE COURT: Dr. Simring?

21 (PAUSE)

22 S T E V E N S I M R I N G, REBUTTAL WITNESS FOR THE STATE,  
23 SWORN.

24 THE COURT OFFICER: You may be seated, sir. For the  
25 record please state your name and spell your last name?



1 THE WITNESS: Steven Simring, S-I-M-R-I-N-G.

2 THE COURT OFFICER: And your field of expertise, sir?

3 THE WITNESS: I am a licensed physician and board  
4 certified psychiatrist.

5 THE COURT OFFICER: Thank you.

6 THE WITNESS: Good afternoon, Your Honor.

7 DIRECT EXAMINATION BY MS. BAGLIVI:

8 Q. Doctor, your -- Dr. Simring, you're a doctor?

9 A. Yes.

10 Q. Okay. Sir, by whom are you employed?

11 A. I'm on the faculty of New Jersey Medical School, the  
12 Newark Campus of University of Medicine and Dentistry of New  
13 Jersey. I'm also in private practice.

14 Q. What do you do there at the university?

15 A. Well I'm full time faculty and my basic area of  
16 responsibility is I'm Director of Medical Student Education in  
17 the Department of Psychiatry.

18 Q. Do you also teach there?

19 A. Yes, well I put together the courses and I do a good deal  
20 of teaching, yes.

21 Q. Okay. And, sir, you also said you have a private  
22 practice? Is that correct?

23 A. I do.

24 Q. And where do you conduct that practice out of?

25 A. The practice is also conducted at the medical school in

1 Newark. There are two parts to the practice; one is the  
2 treatment of individual patients on an out-patient basis who  
3 present with a variety of psychiatric problems. And the other  
4 part of the practice is forensic psychiatry, or the interface  
5 of psychiatry and legal issues such as my involvement in this  
6 case.

7 Q. Okay. And, Doctor, could you please give us the  
8 benefit of your education, your higher education?

9 A. I graduated from Columbia College and then from New York  
10 University School of Medicine in 1965. I did an internship at  
11 Bellevue Hospital and then I completed a psychiatric residency  
12 at Columbia Presbyterian in 1970. From 1970 through 1973 I was  
13 in the U.S. Army Medical Corp in Nuremburg, Germany. In 1973 I  
14 received board certification as a psychiatrist by the American  
15 Board of Psychiatry and Neurology, our accrediting board. I  
16 received a master of public health degree in community and  
17 social psychiatry from Columbia in 1974. From '73 when I left  
18 the Army to '76 I was Medical Director of Mt. Carmel Guild  
19 Community Mental Health Center in Newark, part of Catholic  
20 Charities. And from 1976 until the present, for the last 20  
21 years, I've been on the faculty of the medical school. I'm  
22 licensed in New York, New Jersey and California, licensed as a  
23 physician.

24 Q. Okay. Now, sir, besides teaching at the school or  
25 putting the curriculum together do you also guest lecture?

1 A. Yes, I -- I do.

2 Q. Where? Can you give us some examples?

3 A. Well I've lectured to a variety of audiences. I've  
4 lectured to any number of hospitals in -- in -- in the region  
5 and outside the state as well. I've lectured to groups of  
6 lawyers. I'm lecturing tomorrow to a group of associated press  
7 reporters. I lecture regularly at judicial college and at the  
8 Prosecutor's Conference and at various defense attorneys'  
9 conferences.

10 Q. Okay. Sir, have you ever written any articles in the  
11 field of psychiatry?

12 A. I've written a number -- a few articles, mainly in the  
13 field of medical student education.

14 Q. Okay. And how about books?

15 A. I've written -- co-authored a few, I guess it would be  
16 called popular psychology books. Right now I've written and in  
17 press a -- a medical textbook for third year medical students.

18 Q. Okay. And, sir, have you ever testified as an expert  
19 in superior court?

20 A. I have.

21 Q. In just the state of New Jersey?

22 A. I've testified in New Jersey, in New York, I think once or  
23 twice in Delaware and maybe some other states. I've also  
24 testified in the federal court system here in New Jersey and in  
25 New York.

1 Q. Okay. And, sir, have you ever been a court appointed  
2 psychiatrist?

3 A. I have many times, yes.

4 Q. Okay. And approximately how many times have you been  
5 qualified as an expert to testify in the field of psychiatry?

6 A. I've been involved in forensic psychiatry for perhaps two  
7 years before I came to the medical school, so that's over 20  
8 years. And I've been qualified several hundred times in state  
9 and in federal court as an expert in psychiatry. I should say  
10 that two years ago I received board certification in -- there's  
11 a brand new board in forensic psychiatry as a sub-specialty or  
12 legal psychiatry and I received board certification in forensic  
13 psychiatry.

14 Q. Okay. Forensic psychiatry is what? Could you just  
15 explain it for us please?

16 A. Forensic means legal, it's a sub-specialty of psychiatry  
17 like child or geriatric; it's a sub-specialty of psychiatry  
18 dealing with psychiatry and the law. I've been qualified as  
19 both a general psychiatrist and as a forensic psychiatrist.

20 Q. Okay. And, Doctor, the times that you've qualified  
21 as an expert to testify, has it been in civil cases, criminal  
22 cases?

23 A. Both of those as well as other cases such as  
24 administrative law cases, licensing issues for physicians or  
25 for lawyers. The major two categories of forensic involvement

1 are civil cases and -- and criminal cases such as this one.

2 Q. Okay. And, Doctor, in your expert -- in the times  
3 that you've testified as an expert in criminal cases could you  
4 tell me, was it for the prosecution or for the defense?

5 A. For both.

6 Q. Okay. And how would you say that was split?

7 A. About twice as frequently for the prosecution as for  
8 defense; about two to one.

9 Q. Okay.

10 MS. BAGLIVI: Your Honor, at this time I would offer  
11 -- offer Dr. Steven Simring as an expert in the field of  
12 psychiatry with a sub-specialty in forensic.

13 THE COURT: Any voir dire?

14 MR. WEICHSEL: A few questions.

15 VOIR DIRE BY MR. WEICHSEL:

16 Q. Dr. Simring, what you've told us is that about two  
17 thirds of your criminal cases as for the prosecutor and about  
18 one third are for the defense?

19 A. Yes.

20 Q. In recent years, say the last two to three years, was  
21 that percentage higher for the prosecution?

22 A. I don't believe so in terms of evaluations. They're -- in  
23 terms of the number of cases that I actually evaluate for  
24 various lawyers and for the Prosecutor's Office it's remained  
25 about two to one. It may vary in terms of the number of cases

1 that actually go to court.

2 Q. Okay. In terms of the cases that actually to to  
3 court, what percentage of those are for the prosecutor?

4 A. It's probably somewhat higher because there are -- I've  
5 been retained -- you know, often I've been retained by defense  
6 and defense based on my report chooses not to use my report, it  
7 chooses not to call me if I find that the defense -- the  
8 psychiatric defense is not meritorious. A prosecutor operates  
9 under somewhat different rules, so I believe it's somewhat  
10 higher percentage of prosecution retained cases actually go to  
11 court.

12 Q. And of the -- of the testimony in criminal cases  
13 could you estimate what percentage is prosecution related as  
14 opposed to defense related?

15 A. It's hard to do that. The -- the times I'm retained  
16 pretty much run two to one, and I think that I probably --  
17 probably a higher percentage of consultations -- you know, the  
18 vast majority of cases don't go to court as -- as you know.  
19 Probably the -- a higher percentage of prosecution retained  
20 cases go to court. When a prosecutor retains me they're pretty  
21 much stuck with my report. When defense retains me if they  
22 don't like what I say they can look for somebody else.

23 Q. Thank you.

24 MR. WEICHSEL: Judge, he's -- I -- I have no further  
25 questions on voir dire. And I -- I agree with his

1 qualifications.

2 THE COURT: All right, he's -- again, the  
3 determination by the court is that Dr. Simring is an expert.  
4 And again I remind you that his function in this case is -- is  
5 his expertise and his training and background and experience is  
6 to assist you in making the ultimate determination as to the  
7 issues of this case. And he's not the fact finder, you are.  
8 He's here to -- an expert will give you his opinion as to  
9 aspects of the case that are in issue. Thank you. You're up,  
10 Ms. Baglivi.

11 MS. BAGLIVI: Thank you, Your Honor.

12 BY MS. BAGLIVI:

13 Q. Now, Dr. Simring, how did you get involved in this  
14 case of the State of New Jersey versus Jamie Farthing?

15 A. Your office called me in September of 1995, a little bit  
16 more than a year ago and told me about this case and asked me  
17 if I would evaluate Ms. Farthing for you and I agreed to do so.  
18 You -- some period of time went by for various legal purposes.  
19 You then provided me with discovery, that is medical reports  
20 and other reports that I reviewed and all of which I have here,  
21 and then eventually I examined Ms. Farthing at the Bergen  
22 County Jail on September 27th 1996, close to two months ago. I  
23 spent two hours and about two and a quarter hours with her.

24 Q. And, Doctor, prior to going to see the defendant,  
25 Jamie Farthing, did you review any of the discovery that was

1 provided to you?

2 A. I did.

3 Q. And, sir, what did you -- what were you provided with  
4 an what did you review?

5 A. The vast amount of discovery that I was provided with I  
6 had before I did my interview and certainly before I wrote my  
7 report. There is one report in this case which I wrote on  
8 October 4th 1996 consisting of nine pages and this contains all  
9 of my conclusions, diagnostic opinions and opinions about the  
10 case. There were a few items of co-called discovery or  
11 material that came after this report.

12 Now the records that I reviewed are listed on pages -  
13 - on page one of the report. They're broken down into large  
14 categories, and if I will -- I won't go through every single  
15 piece and item, but give the jury an idea of the type of  
16 material I reviewed. And there are seven items here. There  
17 are the Bergen County Prosecutor's Investigation Reports of  
18 this case including witness interviews and prosecutor's case  
19 summaries; there are many witness statements including  
20 statements of Ms. Farthing herself, there were three of them I  
21 believe; and statements of co-defendants and other witnesses.  
22 There's the indictment, there were mental health evaluations by  
23 Dr. Apolito and Dr. Kleinman who testified here, also a social  
24 work evaluation by a Ms. Feinberg. And then there are records  
25 from the Bergen County Jail covering some of her activities in



1 the jail since she has been incarcerated.

2           There are -- subsequent to receiving this material I  
3 received a few other items. I received office notes and raw  
4 data from Kleinman, some of the testing and notes he did which  
5 formed the basis of his report which of course I had at the  
6 time.

7           I received information from the Georgia Department of  
8 Human Resources concerning the -- their equivalent of our DYFS,  
9 their child welfare, documenting their involvement in the  
10 Farthing family and their involvement with the Farthings and  
11 the children.

12           I received office notes by Ms. Feinberg, that's the  
13 social worker who produced a report. And then I received  
14 copies of letters written by Ms. Farthing in the jail to --  
15 well one individual named Greg and I believe there was another  
16 letter written in the jail as well.

17           Those materials I received subsequent to my report.

18           Q. Okay. Now, sir, after you reviewed these things did  
19 you have an occasion to do -- to do an examination of Ms.  
20 Farthing?

21           A. I did.

22           Q. Could you just point her out please for us?

23           A. Ms. Farthing is the young woman sitting next to her  
24 attorney at counsel table.

25           MS. BAGLIVI: Your Honor, let the record reflect he's

1 identified the defendant.

2 THE COURT: Not noted.

3 BY MS. BAGLIVI:

4 Q. Sir, could you tell me what your exam of Ms. Farthing  
5 consisted of?

6 A. I performed a standard psychiatric examination of Ms.  
7 Farthing. There was no physical examination. And that  
8 consisted of an interview which can be broken into two major  
9 sections and then a mental status examination. So part one of  
10 the interview was I elicited from her, her own version of what  
11 happened, of what the alleged crime was about and her  
12 involvement in this alleged crime from her point of view, her  
13 thinking about it, her point of view, what -- how she viewed  
14 it, what thoughts she was having at the time. I then compared  
15 that and asked her some questions about any disparities if  
16 there were any between what she told me or any questions that  
17 arose between what she told me and what she had told the police  
18 on their interrogations, what co-defendants and other witnesses  
19 had said, and that was part one.

20 Part two, I elicited a past history from her. I  
21 asked her about her early childhood, her education and  
22 development and her life experiences up to the time that she  
23 was -- that she -- that this incident began.

24 Third, I performed a mental status examination. This  
25 is a psychiatrist's evaluation, an assessment of her thinking,

1 an assessment of whether or not there were peculiarities in her  
2 thinking such as false beliefs or delusions, voices, anxiety  
3 and a whole list of issues which might be pathological points  
4 in her thinking.

5 Based on the interview, the current issues, the past  
6 issues, the mental status examination, I arrived at a  
7 diagnostic conclusion and then I offered you my opinion as to  
8 her state of mind at the time of the alleged crimes.

9 Q. Okay. Doctor, dealing with the first part of your  
10 examination could you please tell me what you gleaned from this  
11 defendant regarding the facts of the crimes?

12 A. Yes.

13 Q. By way of history the -- my understanding just in  
14 summary is that she is 20 years old, unmarried, and she was  
15 arrested at her home in Georgia on September 15th 1994 and she  
16 was accused in participating in two robberies in New Jersey,  
17 one of which resulted in the death of the victim.

18 She was, according to the police records, cooperative  
19 during the arrest procedure in Georgia. She consented to a  
20 search of her room and that search, which was conducted I  
21 believe by local authorities in conjunction with Bergen County  
22 authorities, but I'm not certain, revealed several stolen items  
23 that were -- allegedly stolen items that were supposedly  
24 connected to the -- to the accused crimes. I remember there  
25 was a tie and some other items of clothing which tied to Mr.

1 Hippman and Mr. Lapedy -- Mr. Polites.

2 The -- she was then taken into custody, she was given  
3 her rights and she gave an initial statement in Georgia where  
4 she revealed very little.

5 She was then -- she waived extradition back to New  
6 Jersey, that is she agreed to extradition. She came to New  
7 Jersey and then she gave another one or two statements in which  
8 she was much more forthcoming. Although her statements, still  
9 there were some disparities between what she said and between  
10 earlier statements of her co-defendants, Evia Demolena and  
11 Thomas Christopher, or Chris James. There were disparities;  
12 exactly who did what, exactly who drew the gun first, issues  
13 like that. As a general issue however, she basically  
14 acknowledged that she had agreed to participate in these crimes  
15 in Georgia, that she had come up to New Jersey for the purpose  
16 of doing these crimes and that she gave details about her --  
17 her participation in both of these crimes which again may have  
18 varied in certain details, but the broad scope of what she said  
19 comported, agreed with what the co-defendants said.

20 She said, again, as a matter of summary that she  
21 agreed to participating in the Robert Hippman robbery in  
22 Hackensack on August 4th 1994. She admitted that she took  
23 place in -- took part in the Polites robbery. She insisted to  
24 the police however, that she did not know that Mr. Polites was  
25 going to be killed. She told the investigators -- she names

1 Ms. Demolena and Thomas Christopher James as her co-actors in  
2 these incidents. She also said that a third individual was  
3 involved too, but not directly.

4 Now she was expecting my visit. She had known that I  
5 -- she was clear that she knew that I was sent to see her by  
6 your office, the Bergen County Prosecutor's Office. She  
7 understood that this was not a treatment evaluation but it was  
8 a legal evaluation and that the results of the evaluation were  
9 not doctor/patient confidential but would be put into a report  
10 and turned over to the court system to use specifically.

11 She was -- she was friendly and cooperative. She  
12 presented herself to me as friendly, cooperative, with a  
13 certain amount, I described in my report as a kind of  
14 irrepressible, almost flirt -- flirtatious charm, coquettish  
15 charm, flirtatious in the way of a young -- of a young person.

16 There was -- she made a very good impression. She --  
17 she was cooperative, she was respectful to me, she was  
18 deferential to me, she smiled appropriately even at those  
19 things that were appropriate to smile at, she became  
20 appropriately serious when we talked about the -- the -- the --  
21 the death and about the robberies themselves.

22 She expressed a certain amount of remorse about what  
23 had happened, although it was not clear whether she was  
24 remorseful about the victims or whether she was remorseful  
25 about the fact that she was in serious trouble.

1           She described -- then went on to describe the  
2 individual incidents in what I characterized as a fairly  
3 immature way. As she got into describing the details she was  
4 telling it to me almost as if she were describing the kind of  
5 details of a movie she had seen. I mean she was always aware  
6 that she was there and participating but she presented it to me  
7 in a kind of gee whiz way, you know, like this happened next  
8 and this happened next and what do you know, I never expected  
9 that would happen. That's not her words but that's my  
10 characterization.

11           She -- she knew -- I asked her a series of questions  
12 to measure her competency, that is her -- her understanding of  
13 the charges and her fitness to stand trial. I won't go through  
14 the answers to those because she is -- had been found fit or  
15 competent to stand trial and that's not been an issue.

16           She told me at the outset that she had a long history  
17 of alcohol and drug abuse. There was only one prior criminal  
18 incident; her record is clean in other words, except for one  
19 incident at age 18. And this was very important because she --  
20 although she had had some difficulties in high school, she  
21 claimed that she was beginning to get things together for  
22 herself but she got into a argument with a high school 11th  
23 grade teacher and she said some threatening things to him. And  
24 he then charged her with a criminal offense, terroristic  
25 threats. And she later told me she apologized to the teacher

1 and these charges were down graded. But the significance of  
2 the charges were as a result of this she was suspended from  
3 school and her father threw her out of the house according to  
4 her, even though she'd apologized to the teacher. And she  
5 linked this directly with her receptivity, with her readiness  
6 to accept the Demolena offer to come to New Jersey because she  
7 had been thrown out of school and thrown out of her house.

8 She met Evia Demolena through her -- her -- I think  
9 it was through her boyfriend, Mr. Ed Kummer. Both Ivy Demolena  
10 and Chris James, as I understand it, were friends of Edward  
11 Kummer. I believe Mr. Kummer has testified and he has been Ms.  
12 Farthing's boyfriend for some period of time. Although when  
13 Mr. Kummer was not involved in these discussions themselves,  
14 Evia Demolena first, according to her now, Evia made the  
15 initial suggestion in Georgia during the visit that she join  
16 them, come up to New Jersey and rob some of Evia's prostitution  
17 customers. Evia had worked apparently for a escort service or  
18 a prostitution service, was familiar with some males in the  
19 neighborhood, had -- was familiar with the layout of their  
20 apartments or houses and suggested that Jamie Farthing join  
21 her. And I'm not sure exactly what Chris James' role was, but  
22 the overall plan was that the two woman would come into the  
23 men's apartments, the victims' apartments pretending to be  
24 prostitutes. That is, they would call and be invited to come  
25 up there for purposes of prostitution, they would do the

1 robbery, and then at some point Chris James would come in and  
2 help them carry this out.

3           What Ms. Farthing told me is she readily agreed to do  
4 this; again, because she had been thrown out of her house and  
5 school. She told me, and this is a direct quote, "I thought  
6 she was joking. Normal people don't just rob people."  
7 However, in addition to her other problems Ms. Farthing said  
8 she was short of money at the time and she had been using a  
9 good deal of drugs and alcohol.

10           Now there is I learned in the reports -- there are  
11 different versions of this although everybody agrees that --  
12 all the principal players agree that Demolena went to Georgia,  
13 that she suggested the idea and that Ms. Farthing signed on.  
14 According to other statements she had asked whether this was  
15 risky or dangerous and she was assured by Ms. Farthing that it  
16 was not risky, that they would not get caught, that the crime  
17 had been carefully planned and that it was a safe thing to do.

18           Ms. Farthing told me that when they hitchhiked up to  
19 this area, I believe they took a hotel in New York, and Ms.  
20 Farthing then contacted Robert Hippman. And I believe Mr.  
21 Hippman has testified also. Ms. Farthing -- Ms. Demolena asked  
22 Mr. Hippman if she could come over for purposes of prostitution  
23 and I think Ms. Demolena said she had another girl that she  
24 would bring with her. Then according to Ms. Farthing, quote --  
25 this is a direct quote --



1 "So we got there and she called him into the bedroom.  
2 The guy.." -- that's Hippman -- "...had fixed us some drinks.  
3 Evia said take this and she handed me the gun. I'm flipping  
4 out and she's yelling at me." -- still quoting -- "Hippman  
5 looked at me and I just looked at the gun. He was laughing at  
6 me because the gun was shaking. Evia took the gun, told him to  
7 get on the floor and tied him up. I remember holding out a cup  
8 for him to take leak; I felt like such an asshole. I was high  
9 at the time on cocaine and alcohol."

10 Now she said other things but that's a direct quote  
11 and the gist of what she said. Again, Ms. Demolena had a  
12 somewhat different version and you've heard -- not heard I  
13 don't suppose, but a somewhat different version of who took the  
14 gun first and who took the gun when, but there seemed to be --  
15 her statement was in general agreement that she was there, that  
16 she entered, and that she held the gun at some point.

17 She told me that the very next day Ms. Demolena  
18 suggested that -- visiting another customer named James Polites  
19 or Polites. The two women entered the victim's apartment and  
20 they were followed shortly thereafter by Christopher James and  
21 a youngster called Tato Papolayo. She told me -- Ms. Farthing  
22 told me -- she was high on marijuana and cocaine at the time.  
23 Before she realized what was happening, according to her, her  
24 friends had tied up the victim and told her to wait downstairs.  
25 She denied seeing the actual murder however, she said on the

1 way out she observed the victim, Mr. Polites, hanging from a  
2 door knob tied up.

3 Now again, there are differences in different  
4 versions of exactly what happened or exactly where she was at  
5 the time that the actual killing took place. But in terms of  
6 the broad scope of her statement she was there according to  
7 her, took part in the robbery although she insisted repeatedly  
8 that it was never her intention to kill Mr. Polites and in fact  
9 didn't participate in it directly.

10 She then began to weep after she described these  
11 crimes and she said, quote, "It pisses me off because I could  
12 have done something," -- meaning maybe I could have done  
13 something to help. "But they killed Polites and they could  
14 have killed me, they didn't like anyone. Evia once put a gun  
15 up to my head and clicked it." Unquote. We talked some about  
16 that and Ms. Farthing said little more. She specifically  
17 denied that she was held hostage by Demolena and James, that  
18 she was forced to do it. She seemed to be referring to a kind  
19 of pressure that they put on her, the best that I could  
20 determine it.

21 Now she told me that several weeks later -- actually  
22 almost six weeks later -- she and her friends had been living  
23 in the Hotel Iroquois in New York. She finally wanted to go  
24 back home. All she got out of the robberies was a airplane  
25 ticket and some items of personal property not worth a whole

1 lot and she went back home.

2 In reviewing the record again that's not exactly what  
3 happened. Apparently she went back home, flew back home, saw  
4 Mr. Kummer, her boyfriend, flew back here, then flew back home  
5 again. And it could have been that I didn't question her  
6 carefully enough on that and I don't know if there's any  
7 significance to the detail, but apparently there was a trip  
8 back home and a trip back here and a trip back home.

9 She told me that even though she was in Georgia, now  
10 six weeks after, she did not think she was going to get caught.  
11 She was rather surprised when the police arrested her. She  
12 commented to me, quote, and direct quote again,

13 "Maybe this was God's way of opening up my eyes. God  
14 didn't kill me so God had me locked up. Now I can't believe  
15 that it happened; I've never done anything so stupid in my  
16 life. I try not to talk about it even though I know that not  
17 talking about it doesn't help. I just can't believe it. I  
18 know it happened, but it just doesn't seem real."

19 I asked her again if she was remorseful and she  
20 responded, quote,

21 "Maybe if I hadn't -- didn't come to New York none of  
22 this would have happened. I regret not saying anything or  
23 doing anything. I feel sad knowing that both of these people  
24 died. I am pissed at Evia and Chris and I hope they get the  
25 gas chamber -- no, I don't, I know they're sick people and they

1 need help."

2 That was my history.

3 Q. Okay, did you then -- you told us you took a  
4 background history from this defendant, is that correct?

5 A. Yes.

6 Q. Could you tell us what she told you about her  
7 background?

8 A. Yes. Again, I was quite familiar with various parts of  
9 the background. They were reported by Dr. Apolito, Dr.  
10 Kleinman, Dr. -- Ms. Feinberg, you saw her before, and then  
11 subsequently I received some actual eye witness information  
12 from the Georgia Department of Social Services. I understand  
13 that family members have testified to you, I have not spoken to  
14 any of them directly.

15 So coming directly from her, her father, Paul, age 43  
16 or 44, is a construction worker. She described her father as  
17 quote, "Overpowering, overbearing, critical and narrow minded."

18 Her father's second wife, Kathy, is a social worker  
19 in her 30's. She described her stepmother as quote, "As  
20 devicive..." -- that was in a quote, as dividing a family, and  
21 quote, "cold." -- cold.

22 Her natural mother, Loopey Anderson, was absent for  
23 much of her growing up; they've only recently been reunited.  
24 And the patient regards Loopey Anderson more like a friend than  
25 like a mother. She also likes her mother's -- natural mother's

1 second husband, Luke Anderson. She regards both of them as  
2 friends.

3 There are two older brothers, Jason age 24, who lives  
4 in Massachusetts, and Jessie age 22, who attends college in  
5 Georgia.

6 Now she told me that there were several instances of  
7 sexual abuse when she was a child. According to her when she  
8 was four or five, after the divorce, the separ -- her parents  
9 separated when she was something like three or four -- and I  
10 think she was awarded custody to her father. However,  
11 according to her, her mother kidnapped her and took her to  
12 California. While she was in California she recalled that her  
13 cousin Arthur fondled her although he never penetrated her  
14 digitally or -- or with his penis. She remembers she was  
15 afraid of Arthur, not so much because of the fondling but  
16 because Arthur would threaten her and be cruel to animals.

17 Her father retrieved her in California and brought  
18 her back to either Georgia or Indiana and then Georgia; I'm not  
19 sure, they lived in a few states. And she remained with her  
20 father ever since.

21 At age seven or eight while living with her father,  
22 her cousin Brian she said engaged in sex play with her and  
23 penetrated her with his finger.

24 At age 13 or 14 at one point when her father had  
25 broken up with his second wife, according to her on one

1 occasion her father fondled her breasts. I asked her  
2 specifically if there were any other sexual contact between her  
3 and her father; she said there was no other sexual contact  
4 between her and her father, on that one occasion he fondled her  
5 breasts.

6 At age 18 at about the time she was having all these  
7 other problems, the terroristic threats with a teacher, being  
8 thrown out of the house, she claims she was raped by a  
9 stranger. And although she was not forced to engage in sexual  
10 intercourse I don't believe she reported the rape to the  
11 authorities.

12 She told me her schooling was frequently interrupted  
13 because her family moved a great deal. She always attended  
14 public schools however, her father suggested a private school  
15 but she resisted that suggestion because she did not want to  
16 wear a uniform. She claimed that -- she said she did poorly in  
17 school but she was getting, as I testified, she was getting her  
18 -- she was getting things together in 11th grade at Jefferson  
19 County High School and it was unfortunate because just when she  
20 thought she was going to make it and graduate she had the  
21 terroristic threat incident.

22 She's had almost no work history. She has -- she was  
23 once -- worked very briefly at a comic book store and she also  
24 worked very briefly at a pony ride concession, but except for  
25 that she's had no gainful employment.

1           She thinks that she and her brother had once been  
2 seen by a psychologist or a counsellor way back in grade  
3 school. She's not certain of the details however, there is no  
4 other history of therapy, she's not been seen by any  
5 psychologists, psychiatrists, drug and alcohol specialists,  
6 she's never been hospitalized or treated and never been  
7 evaluated by anybody until the present court related  
8 evaluations.

9           She told me she began drinking alcohol at age ten and  
10 she has drunk heavily since that time; that would have been  
11 eight years until her arrest. She started smoking marijuana at  
12 age 11 and 12, she used methamphetamine, that's a form of  
13 speed, plus cocaine at age 15. She first tried LSD at age 15  
14 or 16 and she said that her favorite drug of all of them was  
15 LSD or other hallucinating -- hallucinogens or hallucination  
16 producing drugs. She's also taken pills such as Zanax or  
17 Valium since age 16 or 17. She's never participated in drug  
18 treatment, she's never used heroin or needles. She used to  
19 smoke a pack of cigarettes a day but has cut back to about a  
20 pack a week.

21           She was raised as a Baptist, had little to do with  
22 the church however, in jail she's become a born again Christian  
23 and she has found solace in her faith.

24           Q. Doctor, did you come to a conclusion about her mental  
25 status? Did you do a mental status examination and what did

1 you find?

2 A. I did. The mental status examination was basically  
3 negative. In other words there were no abnormal signs or  
4 symptoms that I could see. She presented as an attractive  
5 young woman, cooperative, I mentioned somewhat flirtatious in a  
6 childlike coquettish way, rather articulate and forthcoming  
7 with information. Her intelligence appeared normal and she was  
8 subsequently -- received formal psychological testing, that is  
9 a formal I.Q. which confirmed that her intelligence is average.

10 She showed considerable immaturity as she discussed  
11 her past life. Her speech was logical, coherent, and goal  
12 directed. There was absolutely no evidence of a thinking  
13 disorder, of delusions, of false beliefs. She denied -- thank  
14 you -- voices or visual hallucinations although she said that  
15 she did see flashback kind of vision after taking acid or LSD.  
16 She was not delusional, she was not at all suspicious. Her  
17 memory appeared to be quite good and, as I noted, her  
18 intelligence appeared to be average.

19 Q. Doctor, after all of that did you come to a diagnosis  
20 of this defendant?

21 A. I did.

22 Q. And what, sir, was your diagnosis?

23 A. Basically two diagnoses. Diagnosis number one is alcohol  
24 and drug dependence now in remission; she's not using any drugs  
25 or alcohol now obviously. And number two, a personality



1 disorder NOS, Not Otherwise Specified, which means a  
2 personality disorder with several different features.

3 Q. Okay. Sir, could you just tell us briefly what a  
4 personality disorder is?

5 A. Yes. The drug and alcohol disorder is pretty obvious I  
6 think.

7 Personality disorder is -- means the way that she  
8 adapts to life, the way that she relates to others, the way  
9 that she deals with issues. It is her personality style which  
10 probably was manifested when she was a youngster and certainly  
11 by the age of 18 it becomes fairly manifested. She has  
12 evidence in her personality of histrionic traits, that is  
13 rather dramatic traits. There are narcissistic traits, which  
14 is a big word meaning kind of self-centered traits, and  
15 dependent traits, which just means that she -- she has a  
16 feeling of needing and wanting to be taken care of rather than  
17 work for herself. It means basically a maladjustment, but what  
18 it does not mean is it's -- it's a separate diagnosis from  
19 traditional mental illness. It -- it means basically a  
20 maladjustment.

21 Q. Doctor, did you come to a conclusion based on your  
22 examination, all your reading of the discovery materials, et  
23 cetera, did you come to a conclusion as to the state of mind of  
24 this defendant at the time of the Hippman robbery and the  
25 Polites homicide?

1 A. I did, yes.

2 Q. Okay. And, sir, could you please tell us what that  
3 is?

4 A. Well the -- the question of the -- the -- this is -- the  
5 question of whether she participated in the robbery and the  
6 homicide is your question, not mine. Assuming that -- that she  
7 did participate in the robbery and the homicide, it is my  
8 opinion that at the time she participated in this robbery and  
9 homicide she was completely aware of what she was doing. She  
10 said that during these times she used varying quantities of  
11 drugs or alcohol which is difficult to pin down with any  
12 specificity. But at all times she was aware of the actions  
13 that were happening.

14 To step back one step, she acknowledged fully that  
15 she met Ms. Demolena and Mr. James, that she was invited to  
16 participate in robberies and she accepted this offer. She knew  
17 that she was coming to New York, to New Jersey for the purpose  
18 of committing robberies. And whether or not -- whether or not  
19 you believe that she wanted to commit a murder or not, she said  
20 that she wanted to commit robberies. She had no illusion about  
21 why she was coming.

22 When Ms. Demolena suggested that she go to the  
23 Hippman home she knew that she was supposed to participate as  
24 another prostitute, she knew that it was not to engage in  
25 prostitution, this was a ruse, that the purpose was to rob him.

1           She knew at the time that -- the next day, that  
2 another robbery, the robbery notwithstanding, another robbery  
3 had been scheduled, she knew that she went to the Polites home  
4 for the purpose of robbing Polites. She claims that she did  
5 not want to murder him, she claims that she did not see the  
6 murder, but she claims that she took certain objects which were  
7 from the home and aided in the robbery. Therefore, it is my  
8 conclusion as follows.

9           First, she may have been high on drugs or alcohol at  
10 the time. That may have affected her judgment but it did not  
11 effect her ability to think. At all times she was aware of  
12 what she was doing, that is she knew what she was doing and she  
13 was able to act on purpose or act with purpose, that is there  
14 was a goal to her actions, whether it's murder or robbery; the  
15 goal was robbery.

16           Second, she knew at all times the nature and qualify  
17 of her acts.

18           Next, she knew at all times that what she was doing  
19 was wrong, that is wrong according to the law even though she  
20 believed that she could get away with it.

21           And therefore, it is my conclusion that she does not  
22 meet the standards as I understand them for either diminished  
23 capacity, because she was able to act with purpose and  
24 knowledge, and that she certainly does not meet the standard  
25 for legal insanity.

1 Q. And, Doctor, is that conclusion to a reasonable  
2 degree of medical certainty?

3 A. Yes.

4 Q. Okay. Now, Doctor, you're familiar with the -- the  
5 reports of Dr. Kleinman and Dr. Apolito, is that correct?

6 A. Yes.

7 Q. Okay. And is it true that Dr. Kleinman says that  
8 this defendant suffered from a disassociative state?

9 A. Yes.

10 Q. Okay. Doctor, what is a disassociative state?

11 A. Dr. Kleinman falls short of saying that she had a  
12 disassociative disorder which could be something like a  
13 multiple personality disorder or some other condition like  
14 this. He specifically falls short of it and says in some  
15 language that she doesn't have that but she has a lighter  
16 version of that, a disassociative state, which means I believe  
17 that during the time of commission of these crimes she was  
18 feeling spacey.

19 Q. Doctor, do you agree with that?

20 A. She might have been feeling spacey.

21 Q. Okay. Doctor, does that have anything -- does that  
22 affect a person's ability to act with purpose or knowledge?

23 A. Absolutely not except for -- I don't know, criminals for  
24 hire, cold blooded criminals with experience in crime. Most  
25 people who engage in crimes, assuming that she engaged in a

1 crime, are nervous when they do it. I have no doubt that she  
2 was nervous during this time.

3 Q. Okay. Dr. Simring, Dr. Kleinman and Dr. -- assume  
4 Dr. Kleinman -- well you saw the reports -- Dr. Kleinman and  
5 Dr. Apolito diagnosed that this defendant with post-traumatic  
6 stress disorder, are you aware of that?

7 A. I am, yes.

8 Q. Could you please tell us what that is?

9 A. Well post-traumatic stress disorder is -- it basically  
10 comes out of a war time model, people who have been in say the  
11 Vietnam War who've -- who've seen horrible destruction of their  
12 friends and buddies, who themselves were subjected to life  
13 threatening situations will develop a syndrome after that, a  
14 clinical picture where they are anxious, where they startle  
15 easily, where they have flashbacks of the Vietnam experience,  
16 where they have intrusive and recurrent nightmares of the  
17 experience and so forth. That concept has been applied to  
18 civilian life and individuals who've been subjected to  
19 horrendous experiences such as rape, or serious automobile  
20 accidents -- not of all of them, but can develop again repeated  
21 recollections of the automobile accident, of the -- of the  
22 rape, can have social withdrawal. That is a woman has been  
23 raped for example, may withdraw from her friends, her loving  
24 husband, her family and children, may have a psychological  
25 numbing as a result of that, may have repeated dreams about the

1 rape, may have flashbacks and fearfulness about dealing with  
2 men or with others, may feel guilt about having survived the  
3 rape. There's a syndrome -- concentration camp or hostage  
4 survivors. I expect survivors of the Oklahoma City bombing and  
5 such other casualties develop this kind of syndrome. The  
6 significant thing about this is that people with post-traumatic  
7 stress disorder don't go out to commit crimes. It usually  
8 arises in the context of the evaluation of -- of -- of harm or  
9 damages after someone has been raped or there's been an  
10 explosion or a car wreck.

11 Q. Doctor, do you agree with that diagnosis?

12 A. There's no evidence for that in this case, even the  
13 psychological testing that Dr. Kleinman did doesn't support it,  
14 there is no justification for it in this case.

15 Q. Doctor, if you assume that the -- the crimes in this  
16 case were pre-planned, can that occur with a post -- tell me  
17 how that relates to post-traumatic stress disorder?

18 A. There's no relationship.

19 Q. Okay, why not?

20 A. They unrelated concepts. I -- I think what -- what Dr.  
21 Apolito, Dr. Kleinman, et al., said through really a lot of  
22 words is she had a bad childhood, therefore -- therefore she's  
23 stressed out and that's why she committed the crimes or  
24 something like this. I don't see any connection. Whether she  
25 did or did not have a bad childhood, there's no evidence of

1 post-traumatic stress disorder, the flashbacks and so forth.  
2 Even if there were it would be irrelevant if she had post-  
3 traumatic stress. It would be relevant only insofar as  
4 individual treatment is concerned or suffering or if she sued  
5 her parents or something like this. There's no relationship  
6 between that and committing purposely robberies. It's an  
7 irrelevant concept.

8 Q. Doctor, assume that the family members -- her father,  
9 her stepmother, her brother all testified and assume further,  
10 Doctor, that there was absolutely no evidence of physical abuse  
11 other than some paddling on the butt when she lied or didn't  
12 clean her room, and assume that there was no evidence of sexual  
13 abuse and assume that there was only one incident or -- or I  
14 should say an incident where she's -- at age three she saw a  
15 dog being shot. Could you tell me, sir, if you assume all of  
16 those facts what effect would that kind of testimony have on  
17 your evaluation?

18 MR. WEICHSEL: Judge, I'm going to object to the  
19 hypothetical.

20 THE COURT: Tell me why, over here.

21 (SIDEBAR)

22 MR. WEICHSEL: Because I think the prosecutor is  
23 mischaracterizing the testimony. I mean there's also testimony  
24 about Jamie witnessing violence between -- you know --

25 MS. BAGLIVI: At age one or two?

1 MR. WEICHSEL: At the age three and a half or four.

2 MS. BAGLIVI: Judge, my argument is hypotheticals are  
3 proper for experts and the defense on redirect is always  
4 allowed to fill in or change --

5 THE COURT: You can add -- you can add --

6 MR. WEICHSEL: Okay.

7 THE COURT: (Inaudible). But the hypothetical that's  
8 set out by the prosecutor is -- has been testified, there's  
9 evidence in the case that support (inaudible).

10 MR. WEICHSEL: Yeah, um-hum.

11 THE COURT: So I'll allow it, all right?

12 MR. WEICHSEL: Okay, fine.

13 (END OF SIDEBAR)

14 BY MS. BAGLIVI:

15 Q. Doctor, assume that hypothetical; could you please  
16 tell me what affect that would -- that testimony would have on  
17 your evaluation?

18 A. It would have no affect, Ms. Baglivi. It's all -- it's  
19 all -- if I may say, it's all irrelevant. Ms. Farthing  
20 presented to me, as I've told you, what she said happened to  
21 her, the good and the bad. She told the other doctors you  
22 know, somewhat different versions. I've read the Georgia  
23 Division of Youth report, they don't confirm any of what things  
24 she said. There were problems in the home, they didn't  
25 necessarily react or reflect her. I understand family members



1 said something else. I'm sure that there were problems in the  
2 home as there are in many homes. They probably weren't as bad  
3 as Ms. Farthing has told the other doctors, they may have been  
4 worse than the parents testified here. But it's all  
5 irrelevant. Assuming that she had a bad home, even as bad as  
6 she said, I don't see any connection between that and these  
7 purposeful robberies.

8 Q. Why not? Assume she had a horrible, horrible  
9 childhood and was traumatized by sexual abuse, physical abuse,  
10 all of that, assume that for a -- for a moment. What affect  
11 does that have on your evaluation?

12 A. Well unless the abuse reached the point combined with  
13 other factors of triggering a -- a serious mental illness  
14 marked by a break with reality in which case we were dealing  
15 with a different issue, except for that it's irrelevant. I  
16 understand by reading the Kleinman report for example and  
17 wading through you know, lots of words, the bottom line, at  
18 least the way I read it, seems to be she had a bad life  
19 therefore she can't be responsible for a crime. That's silly,  
20 it's just silliness.

21 Q. Okay. Doctor, did you find any evidence with any  
22 break with reality of Jamie Farthing on the night of those  
23 crimes?

24 A. There is none; I haven't found any and nobody else has  
25 found any either; Dr. Apolito has not, Dr. Kleinman has not and

1 Ms. Feinberg has not. No one has found a break with reality.

2 Q. Doctor, you described Jamie Farthing's presentment to  
3 you as -- I think you said immature, coquettish. Could you  
4 please tell us what effect that has on your evaluation or  
5 please describe what that means to you?

6 A. Well again, it's a -- it's a detail. It doesn't deal with  
7 anything, whether she came across as nice, nasty or anywhere in  
8 between it has really not much relevance on the bottom line  
9 issue that I'm asking to determine, that is what was her state  
10 of mind; could she act with knowledge and purpose, did she  
11 suffer from a major mental illness, did she know that it was  
12 wrong, was she precluded from doing so, was she hearing voices,  
13 you know, issues like that. The significance, and again it's a  
14 detail, is that she made a very good impression with me, a very  
15 good appearance with me. She -- she was likeable in a -- in a  
16 youthful kind of way, she knew how to talk to me.

17 I -- it's interesting that the letter that was  
18 produced for me later was a letter she wrote to Greg which was  
19 filled with curse words and filled with angry statements about  
20 somebody else and really kind of tough street talk. What I  
21 take from this is she knows how to behave with adults, she  
22 knows how to deal with doctors in suits with gray hair and she  
23 knows how to -- you know, she'll talk one way to the doctor and  
24 the minister and the priest and she'll talk another way out  
25 there in the street. So all psychiatric interviews are biased

1 to some degree by that. You know, the fact that she made a  
2 good impression and she's sympathetic; it's again irrelevant to  
3 the question of her state of mind, but she knows how to  
4 ingratiate and how to be likeable. I don't think that what I  
5 saw or Dr. -- Dr. Kleinman or -- or Dr. Apolito saw is  
6 necessarily the flavor os what she's really like there as -- as  
7 these crimes went down. And that's not because she's a  
8 multiple personality, it's because she knows how to manipulate  
9 and she can present herself in different ways. And she  
10 presents herself to me in the way that you present yourself to  
11 an older authority figure.

12 Q. Doctor, I want to show you what's been marked S-260,  
13 the letter that you've just referred to. Have you seen this?

14 A. I have my copy right here.

15 Q. Okay. Do you need it?

16 A. I do not.

17 Q. Okay. What flavor do you get of the defendant from  
18 this letter?

19 MR. WEICHSEL: Judge, I think that's already been  
20 testified to.

21 THE COURT: Well if the doctor has already answered  
22 that then I don't think he has to. Did you answer that  
23 question before?

24 THE WITNESS: I did, Your Honor.

25 THE COURT: Yeah, I thought so.

1 BY MS. BAGLIVI:

2 Q. Well you -- you say she presents through the letter  
3 as one way and then when you're meeting her and the other  
4 doctors met her as another way. Could you give us an  
5 evaluation of what you believe is her real true self?

6 A. Well her real true self for my purposes, for the letter's  
7 purposes, is she's not psychotic. There is no break with  
8 reality, she doesn't suffer from a major mental illness, there  
9 is no confusion, she was aware at all times, whatever you find  
10 she did, of what she was doing. If she wasn't holding the gun  
11 or she was holding the gun, she's perfectly capable of lying or  
12 distorting the facts or telling the truth. The point is that  
13 she was aware at all times of what was happening. In terms of  
14 the kind of person she is, if there's a question that how can  
15 such a sweet, nice, pleasant person do a terrible alleged crime  
16 like this, the answer is simple; the way she presents herself  
17 to some old guy like me is different from the way she talks in  
18 the street to her friends.

19 In the letter she starts it -- just -- I won't read  
20 the whole thing, it's -- "Greg, hey, what's up? Same shit,  
21 different day." A little further on, "I'm not in the jail's  
22 hand anymore, I feel sorry for Laurie. That bitch, Laura,  
23 really F'd Laurie and Liz. I don't understand Liz. This is  
24 the second time Laura rated on Liz -- yeah, the second. The  
25 day she right back under her. Does that make sense to you?

1 It would only take one time..." and so forth. "She ratted to  
2 that and told Liz I've never seen so many fake, plastic,  
3 superficial bitches. It's like I don't trust her but I like  
4 her."

5 Now again, there's nothing that -- this is not  
6 relevant to her state of mind but it helps to understand that  
7 she presents that sweet cherubic you know, nice young girl,  
8 young woman that I've seen here is probably not the same  
9 presentation she -- she made when she engaged in these crimes,  
10 but that does not mean that she has a multiple personality.  
11 We're all of us capable of acting differently under different  
12 circumstances. We act differently in church than we do on a  
13 baseball field. There's an element of manipulation. I'm not  
14 saying she's the world's biggest manipulator, but it's an  
15 element of manipulation. She knows how to talk to me under  
16 these circumstances but this just shows another side of her.  
17 But to emphasize again, none of this has anything to do with  
18 the ultimate question you asked me.

19 Q. And, Doctor, is it your testimony then that she had a  
20 full awareness of what was going on the two nights in question?

21 A. Yes.

22 MR. WEICHSEL: Objection; leading.

23 THE COURT: Overruled. Your answer is yes, Doctor?

24 THE WITNESS: The answer is yes.

25 MS. BAGLIVI: I have nothing further.

1 THE COURT: Mr. Weichsel?

2 MR. WEICHSEL: Thank you.

3 CROSS EXAMINATION BY MR. WEICHSEL:

4 Q. Good afternoon, Dr. Simring.

5 A. Good afternoon.

6 Q. You took notes, Dr. Simring?

7 A. Yes.

8 Q. Okay. I'd like to show you this. Is this a copy of  
9 your notes?

10 A. Yes.

11 Q. On the first page -- God bless you, Doctor, you've  
12 got worse handwriting than I do.

13 You wrote something about sexy and -- and I just  
14 can't read it. Can you --

15 A. Yes, there is on page I.1 of my notes a line drawing.  
16 This is meant only to remind me when I write the report of some  
17 distinguishing features and observations. And it's just a line  
18 drawing of a stick figure with long hair. It says, "Right  
19 handed, five foot three to five foot four, 135 pounds,  
20 attractive, long brunette hair, sexy, charming in a girlish  
21 way, flirtatious, green jumpsuit, articulate, open, unguarded,  
22 immature but appealing."

23 THE COURT: Excuse me, and these are the notes you  
24 take as you interview?

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: On like a yellow pad?

2 THE WITNESS: Yes, sir. These are --

3 THE COURT: I want the jury to understand.

4 THE WITNESS: Oh, I'm sorry, Your Honor, these are 25  
5 pages of notes that I took during my interview. And relying on  
6 the discovery and my notes I formulate the report which is a  
7 summary of the important parts.

8 BY MR. WEICHSEL:

9 Q. Now, Doctor, you -- your testimony was that Jamie  
10 Farthing was not in a disassociative state during either the  
11 Hippman or the Polites crime?

12 A. She might have been.

13 Q. In fact she related to you the events like they were  
14 in a movie, isn't that correct?

15 A. I said that, yes. All right, my answer is she might have  
16 been nervous and she related the events like they were in a  
17 movie, yes.

18 Q. Well disassociative state, it's sort of almost a  
19 state of bewilderment, not -- not -- not reality?

20 A. Well I think that's an exaggeration. We've all been in  
21 disassociative states at times. Example; if --

22 Q. It --

23 A. Well it's a normal phenomenon. I've testified to this jury  
24 that disassociative disorder is different. Disassociative  
25 states are -- are normal states that all of us will enter under

1 times of high anxiety, it's a kind of nervousness, it's a kind  
2 of spaceyness. I -- I accept her characterization that she  
3 felt nervous and spacey.

4 Q. And -- and sort of unreal, that it really wasn't  
5 happening?

6 A. Well I wouldn't go that far. As she told me during my  
7 evaluation as I've testified to you, she repeated these things  
8 to me with this kind of oh, gee whiz, and it happened then and  
9 happened then and as she got into it she described these things  
10 not with the kind of mature contemplation say that an older  
11 more mature person would think of the -- the meaning of all of  
12 this, but basically what happened.

13 Q. Now, Doctor, even in your report you put down that  
14 she was immature even for a 20 year old, isn't that correct?

15 A. Yes.

16 Q. In terms of --

17 A. Whatever that means.

18 Q. Whatever that means. That was in your report, wasn't  
19 it?

20 A. Yes, it was.

21 Q. Was she more like a 14 year old or a 15 year old?

22 A. Well her intelligence was --

23 Q. I'm talking about maturity.

24 A. All right, but I don't want to confuse it. Her

25 intelligence was that of a 20 year old, she was perfectly



1 normal in intelligence. Her girlishness, her level of  
2 sophistication, her immaturity would be of a younger person, a  
3 teenager.

4 Q. A teenager? And, Doctor, isn't it fair to state that  
5 a disassociative state could be an element of post-traumatic  
6 stress syndrome or a symptom of post-traumatic stress syndrome?

7 A. Anything could be.

8 Q. Now, Doctor, you -- in your report you took the  
9 history that she gave you of -- of her family history as she  
10 related to you and Dr. Apolito and -- and the social worker,  
11 Billie Feinberg and Dr. Kleinman, basically as true, isn't that  
12 correct?

13 A. Yes.

14 Q. You didn't find that in terms of her family history,  
15 her background that she -- she was a malingerer because if you  
16 did you would -- if she did -- if you found that you would have  
17 put it in your report, correct?

18 A. Now I'm confused.

19 Q. Well did you basically take a family history as she  
20 gave it to you and as she gave to the other professionals as  
21 true?

22 A. Well for the purposes of reaching my conclusion I assumed  
23 that it was true. I realized perfectly well that this is one  
24 side of the story and as she presented it to me that was her  
25 side of the story. She told Dr. Apolito something somewhat

1 different and she told Ms. Feinberg something a little bit  
2 different, but I assumed that there were problems at home and  
3 that there was a divorce and there were allegations of sexual -  
4 - sex play, mainly with cousins. And I assumed that there were  
5 problems in her home. And for the purpose of reaching my  
6 conclusions I assumed that. Subsequently I learned that there  
7 are other sides of the story or other aspects of the story, but  
8 I'm sure that her home was not picture perfect.

9 Q. Well not picture perfect, you know, were there severe  
10 problems in the home?

11 A. I'm sure there were problems at home, they were probably  
12 severe problems. Were they the most severe? Probably not.  
13 She had significant problems at home.

14 Q. And is it -- you know, is it -- now, Doctor, assume  
15 there was testimony by her brother Jessie today that when she  
16 went to California she was kidnapped by her mother, went to  
17 California, lived in different habitations in California,  
18 observed her puppy being shot, head being blown off, that she  
19 was kidnapped back to Georgia by her father, was taken back to  
20 Georgia by her father, and her father testified that in many  
21 respects when she came back from California she was a much  
22 different person. Would any of that have a bearing on whether  
23 she suffered from post-traumatic stress disorder?

24 A. Well she doesn't suffer, she doesn't meet the criteria  
25 now. In -- in theory could a -- a history of being fought over

1 by two parents and remembering an incident of an animal being  
2 shot -- I mean assuming she had recollection at age three --  
3 would any of this -- could any of this lead to post-traumatic  
4 stress disorder? I suppose it could, but it didn't and I don't  
5 find any evidence for it in her case. In any event it's not  
6 relevant in my opinion.

7 Q. Doctor, is it fair to say that according to the DSM  
8 when they discuss the general diagnostic criteria for a  
9 personality disorder -- and the DSM-4, this is the Diagnostic  
10 and Statistical Manual?

11 A. Yes.

12 Q. And that's what all psychiatrists use and it's a  
13 standardized way of formulating diagnoses?

14 A. Yes.

15 Q. And, Doctor, is it fair to say that when they discuss  
16 general diagnostic criteria for a personality disorder that  
17 when they discuss personality disorders they state in the book,  
18 "The enduring pattern is not better accounted for by a  
19 manifestation or consequence of another mental disorder?"

20 A. Yes.

21 Q. Okay. And, Doctor, what you say -- what you're  
22 saying is that you disagree with a fellow psychiatrist, Dr.  
23 Apolito, in terms of whether there was post-traumatic stress  
24 disorder or not?

25 A. Yes.

1 Q. And is it fair to say, Dr. Simring, that reasonable  
2 psychiatrists can differ in terms of the diagnoses that they  
3 make?

4 A. Yes; the DSM is supposed to help standardize reliability,  
5 or that is reliability between different psychiatrists however  
6 I suppose there will always be differences.

7 THE COURT: DSM meaning, Doctor?

8 THE WITNESS: Oh, I'm sorry, Your Honor.

9 BY MR. WEICHSEL:

10 Q. The Diagnostic and Statistical Manual?

11 THE COURT: Please; for the jury's edification, tell  
12 them what the DSM is.

13 THE WITNESS: I'm sorry, Your Honor, the -- the  
14 Diagnostic and Statistic Manual, the red book that counsel  
15 raised is a -- a standard reference which lists criteria for  
16 making diagnoses. And it -- one of the major purposes of it is  
17 it's supposed to help reliability, that is agreement between  
18 different evaluators. But the answer to counsel's question is  
19 yes, there can be disagreement.

20 BY MR. WEICHSEL:

21 Q. Now, Doctor, you also put in your report that she had  
22 a sparse work history, is that correct?

23 A. Yes.

24 Q. Well isn't it typical of an 18 year old to have a  
25 sparse work history?

1 A. Most 18 year olds who leave school -- not most -- many 18  
2 year olds who leave school are a bit more industrious.

3 Q. Is it true that she left school in May 1994 and these  
4 -- and was kicked out of the family home at that time?

5 A. About that time, yes.

6 Q. And -- and these incidents occurred right after that  
7 in early August 1994, correct?

8 A. Three months later, yes.

9 Q. So if she was in school up till May 1994 would it be  
10 atypical to have two part time jobs while going to school?

11 A. Many students are more industrious.

12 Q. And some students -- some students --

13 A. Some students never work a day in their life, yes.

14 Q. That's right, or somewhere in between. Now Ms.  
15 Farthing told you in your report, I refer to page five, words  
16 to the effect I knew it happened but it just didn't seem real,  
17 is that what you wrote?

18 A. Yes.

19 Q. You also put in your report that -- that, "There was  
20 immaturity as she discussed her past life and her current  
21 situation," is that correct?

22 A. Yes.

23 Q. And you also put in your report that while she denied  
24 hallucinations she had complained of flashbacks, correct?

25 A. On acid, yes.

1 Q. Yes, and that was on page six of your report,  
2 correct?

3 A. I testified to that, yes.

4 Q. Okay. Also, is it fair to say that the history that  
5 she gave you, she -- she attended many, many different schools?

6 A. I don't know how many schools there were, I didn't trace  
7 the history. There -- I've given you the history, I did not  
8 verify it more than that. Certainly there is a tendency to  
9 blame her past on others, that's not unusual for young people  
10 that may have maladjustment problems. How accurate that is and  
11 how accurate her parents are or how accurate the Georgia  
12 Division of Youth Services are I really don't know. My  
13 estimate would be that things weren't quite as bad as she made  
14 out and they may not have been as good as her parents  
15 portrayed. Again, none of this is relevant to my determination  
16 of her mental state at the time of these alleged crimes.

17 Q. Now, Dr. Simring, when you say things weren't as good  
18 as her parents portrayed, you weren't -- you weren't here for  
19 either her stepmother's or her father's testimony this morning,  
20 were you?

21 A. I was not. Ms. Baglivi told me what they testified to.

22 Q. And did she characterize it as things being pretty  
23 good?

24 A. She characterized, as I recall -- this was a brief  
25 conversation because I believe it was just this morning -- her

1 stepmother is actually a social worker, a trained professional,  
2 said that the -- that -- well we use the word kidnapping;  
3 another way to see this is her parents were fighting over her.  
4 In some broken homes nobody wants the child, but here parents  
5 were fighting over her. They characterized her as having gone  
6 to California when she was very young, that this -- at an age --  
7 - I don't remember, I'm now recalling a brief conversation --  
8 some doubt about of what she may or may not have remembered  
9 about this time, at this time, that there was -- I believe  
10 there was some discounting of the pattern of -- there was the  
11 one episode that came out that was reported about an animal  
12 being shot and I believe the overall thrust of it -- and I'm  
13 telling you something you've heard directly and I've only heard  
14 second hand -- but that the parents at least tried to justify  
15 their -- their role in -- in raising her. But again, you've  
16 heard it, I haven't.

17 Q. Did Ms. Baglivi tell you that Paul Farthing pulled a  
18 gun on -- on Loopey Anderson?

19 A. Well what Ms. Baglivi told me is that supposedly whatever  
20 happened between them happened when Jamie Farthing was less  
21 than three I believe. But again, I'm telling the jury  
22 something that they've heard. I don't know I should do that.

23 Q. Fine. Now if you believe the history, Jamie was  
24 subject to physical abuse, emotional abuse -- well assume she  
25 was subject to physical abuse, emotional abuse, sexual abuse,

1 numerous moves, assume that she didn't see her natural mother  
2 for many, many years, had no contact with her, all that put  
3 together you're saying, Doctor, would not change your opinion  
4 as to whether there's post-traumatic stress syndrome?

5 A. Well you're mixing a number of things. First on the  
6 hypothetical I saw no evidence of physical abuse. Jamie  
7 Farthing claimed that her father would spank her. I believe  
8 there was some testimony about he would hit her on the rear end  
9 for -- as a means of punishment. The question of whether there  
10 was physical abuse, as we define physical abuse of a child,  
11 goes beyond spanking and goes beyond methods of discipline.  
12 There are definitions for physical abuse. Assuming that there  
13 were multiple moves, that there was a broken family and that  
14 there was sexual abuse, that could have -- these could have  
15 been factors in causing a post-traumatic stress disorder  
16 although most post-traumatic stress disorder is a result of --  
17 of serious threats to bodily integrity in adult life. It would  
18 be more likely in thinking about it that the alleged rape by a  
19 stranger at age 18 led to post-traumatic stress if I'm looking  
20 for potential factors. It is more likely that assuming there  
21 were a rape that would have been a more likely candidate than  
22 something she observed when she was three years old. But all  
23 that as it may, she does not have post-traumatic stress  
24 disorder in my opinion.

25 Q. That's your opinion, Doctor, and others may differ?



1 A. That's what I'm testifying to is my opinion.

2 MR. WEICHSEL: Thank you, Doctor.

3 THE COURT: Ms. Baglivi, anything else?

4 MS. BAGLIVI: Just a couple quick questions.

5 REDIRECT EXAMINATION BY MS. BAGLIVI:

6 Q. Doctor, a couple times you talked about the word  
7 maladjustment. Could you just tell the jury what that -- you  
8 said Jamie Farthing was maladjusted; what is that in laymen's  
9 terms?

10 MR. WEICHSEL: Judge, I think that's beyond the scope  
11 of my cross.

12 MS. BAGLIVI: It came out through Ms. Weichsel, Your  
13 Honor.

14 THE COURT: No, I'll allow it, go ahead.

15 THE WITNESS: A personality disorder is a psychiatric  
16 term which I think can probably be best translated in every day  
17 talk as a maladjustment. And I -- I have no doubt that this  
18 young woman is -- is -- is maladjusted in the sense that you  
19 know, she's had school difficulties, she's had relationship  
20 difficulties, she's had difficulties with her anger, she's had  
21 interpersonal difficulties and she's now accused that if these  
22 accusations are true in engaging in a serious crime without  
23 giving a whole lot of thought to it. There seems to be some  
24 lack of development of her -- of her conscience, of her sense  
25 of responsibility. The work history is, you know, there are

1 other children who don't work, but there's a trend of a lack of  
2 -- of -- a willingness to sign onto a plan to make an easy  
3 buck, not -- not giving a whole lot of thought to something as  
4 horrific as a robbery plan. All of that speaks to  
5 maladjustment. It's got nothing whatsoever to do with a  
6 thinking disorder or with a psychotic thinking or with an  
7 inability to understand. And -- and therefore, to the extent  
8 that I agree with Dr. Apolito, Dr. Farthing, I think we'd all  
9 agree that she's maladjusted. She could have used some help in  
10 counselling. I am sure there are many, many young people who  
11 are maladjusted. But that -- you know, that may help in sort  
12 of understanding the roots of the crimes she committed. But  
13 you know, looking backwards many people if not most people who  
14 commit crimes, assuming she committed a crime, are maladjusted.  
15 You know, it's sort of circular reasoning. It takes a kind of  
16 maladjustment to commit a crime, therefore the maladjustment is  
17 not an excuse for the crime. Normal, well adjusted, healthy,  
18 well functioning kids in school generally don't go out and  
19 commit crimes.

20 Q. Is mal -- is maladjustment a mental disease?

21 A. Maladjustment is -- is a -- it's not really a mental  
22 disease, it's probably the closest equivalent to a -- a lay  
23 term for personality disorder.

24 Q. Okay. Doctor, assume for a moment -- just assume for  
25 a moment that Jamie Farthing did suffer from post-traumatic

1 stress disorder, would that preclude her from acting with  
2 purpose or knowledge?

3 A. Absolutely not. Post-traumatic stress disorder as I've  
4 testified is usually seen in the context of people who suffer  
5 with symptoms; flashbacks, social withdrawal. It is sometimes  
6 raised in a context of damages say in an accident or an  
7 explosion. It doesn't -- it doesn't lead to -- it doesn't lead  
8 to crimes, nor does -- it doesn't lead to crimes. Nor -- nor  
9 does -- does a bad background. You know, there are a lot of  
10 people who come from bad backgrounds, some go out to commit  
11 crimes, most do not. I understand that Dr. Kleinman thinks  
12 that if you have a bad background you're not responsible for a  
13 crime. Not too many people believe that, I certainly don't.

14 MS. BAGLIVI: Nothing further.

15 THE COURT: Mr. Weichsel, anything else?

16 RECROSS EXAMINATION BY MR. WEICHSEL:

17 Q. Well a personality disorder is -- is classified as a  
18 mental disease in the DSM-4, isn't it?

19 A. Well it's -- I -- as you know, I teach DSM-4. It's --  
20 it's -- mental disorder is the word that's chosen, but in there  
21 too is -- are marital -- marital disharmony an overeating and  
22 adjustment disorder and work inhibition problems. This is a  
23 comprehensive book that goes from the most severe mental  
24 diseases to the problems of every day living.

25 Q. And one of -- one of the personality disorder traits

1 you found in Jamie was a dependent personality disorder?

2 A. Yes.

3 MR. WEICHSEL: Thank you.

4 MS. BAGLIVI: Nothing.

5 THE COURT: Dr. Simring, thank you very much.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Sidebar, counsel.

8 (SIDEBAR)

9 THE COURT: Do you have any other witnesses?

10 MS. BAGLIVI: No.

11 THE COURT: That's it?

12 MS. BAGLIVI: That's it.

13 MR. WEICHSEL: That's it.

14 THE COURT: Mr. Weichsel?

15 MR. WEICHSEL: That's it for me.

16 MS. BAGLIVI: The State rests. You want me to say  
17 that out in front of the jury?

18 THE COURT: I'll ask you.

19 MS. BAGLIVI: Okay.

20 (END OF SIDEBAR)

21 THE COURT: It's my understanding that the State  
22 rests?

23 MS. BAGLIVI: That's correct, Your Honor, the State  
24 rests.

25 THE COURT: No other witnesses?

1 MS. BAGLIVI: No, sir.

2 THE COURT: All right, ladies and gentlemen of the  
3 jury, we're finished now, it's 3:00 on Thursday the 21st,  
4 that's about what we calculated, we would be finishing the case  
5 today and the outside possibility that you would go over the  
6 first day or so into the Thanksgiving week and that's just  
7 where we are.

8 Both the State and the defense have finished  
9 presenting their cases. What's left in this case is the  
10 summations by both counsels and they'll do that Monday as I  
11 said to you and I will give you the law and then you will get  
12 the case to deliberate.

13 Now do not read anything in the newspapers as  
14 pertaining to this case as the weekend goes on. Do not discuss  
15 the case with anybody. You will be at this time next Monday in  
16 the -- probably deciding the issues in this case; so it's only  
17 you. You are the ones who will decide the case. Nobody else  
18 who is not here or -- it's only what you hear in this courtroom  
19 that will help you decide the -- or that you have to decide the  
20 case with. I haven't given you the law at all yet, so you have  
21 -- you may have heard all the evidence but you haven't got the  
22 whole case yet, so I appreciate your -- your work this week.  
23 It's been a long, long tedious work for -- for you and I know  
24 some of you are tired, get a good rest over the weekend and be  
25 prepared to -- to take that last day or so into the case.

1           There's one other thing I wanted to mention. When we  
2 -- when the attorneys delib -- enter their or present their  
3 summations on Monday, they anticipate -- we had talked about  
4 this -- they anticipate about an hour each given their -- so it  
5 will take two hours for their summations. We'll -- one will  
6 present theirs -- the defense goes first and is followed by the  
7 prosecution. We anticipate an hour a piece possibly, so it  
8 will be two hours. My charge will be about two hours. It's  
9 about two hours worth of instructions that I have to give you.  
10 So that's what the schedule is. In between that time there  
11 will be a lunch break. If we have finished everything by the  
12 time you get -- depending on the timing of all this either  
13 you'll be permitted to go out to lunch -- if we feel that we --  
14 I guess we could order lunch if -- if you're already in  
15 deliberating I'm going to order lunch for you, I'm not going to  
16 let you out of the jury room. I won't know that. If I order  
17 lunch for you it's not going to be anything from the -- it will  
18 be from the cafeteria downstairs on the third floor, so if you  
19 want to bring your own bag of lunch you can, it's up to  
20 yourself. Again, if -- if we're not finished I'm not going to  
21 order you lunch. If I'm going to charge you after lunch with  
22 the law, which I don't like to do. I like to get the case to  
23 you and then just let you take it. If I charge you in the  
24 afternoon from 1:30 say till 3:30 you're getting the case  
25 pretty late then because it's a two hour charge. So there's --

1 there may be a possibility of an early lunch, in other -- in  
2 other words when the -- when the attorneys finish their  
3 summations if they -- if we get started at 9:00, a little after  
4 9:00, then we're talking into 11:30 or so. If we get an early  
5 lunch, maybe a half hour lunch I can get that for you and have  
6 it here, you'll have your lunch and then I'll charge you and  
7 you'll get the case earlier than three of 4:00 in the afternoon  
8 on -- on Monday. So it's all that kind of timing. And as I'm  
9 talking to you I'm thinking too, I'm verbalizing, and I think  
10 what I'm going to do is just you prepare to have us order your  
11 lunch one way or the other, if it's a early lunch or a late  
12 lunch, okay? But if you want to bring your own you can. When  
13 I say lunch, you're going to get a list and you're going to  
14 pick out a sandwich or something and you're going to pick out a  
15 drink and then you're going to come out here and it will be  
16 delivered up and it will be in there for you when you come  
17 back. All right? That's the way it will work.

18 All right, with that then I'm going to let -- I'm  
19 going to ask you to safe home, stay well, keep your health up  
20 and we'll see you on Monday and we should be finishing the case  
21 in the next couple of days. All right? Thank you.

22 MR. WEICHSEL: Judge, maybe you should tell the  
23 jurors so they're not surprised that the rest of the courthouse  
24 is going to be closed on Monday?

25 THE COURT: Yeah, the rest of the courthouse will be

1 -- no, there's another case going on I believe. The rest of the  
2 courthouse will be closed. When you get here you'll see no one  
3 around. That judicial college that Dr. Simring referred to is -  
4 - is going on. All the judges in the State of New Jersey are  
5 assembled -- they assemble for -- for courses, except people  
6 like myself who are still working, so, I would have normally  
7 been there except I'm excused because of the case. I think  
8 there's another case in the courthouse that's going on that  
9 will continue through also. So when you do get here Monday  
10 you won't see many people around but don't think we're closed,  
11 you just come up the way you regularly do. There won't be any  
12 judges around, there will be staff, but there won't be any  
13 jurors, there won't be any people. You'll see an empty parking  
14 lot out there and you'll wonder what happened but don't get --  
15 I'm glad you mentioned that because some of you might look and  
16 say oh, they're closed and go on back home; don't do that.  
17 We're here.

18 MS. BAGLIVI: Is the cafeteria open? The cafeteria  
19 on Monday?

20 THE COURT: I believe the cafeteria is open. It's  
21 open; no, the staff is still here, everybody else -- the only  
22 ones missing are the judges. Don't -- and as I said, don't  
23 read anything in the newspaper or the media, okay? You're  
24 excused. Ask -- ask over here. I don't want to take -- I  
25 don't want to open the floor to questions from the jury.



1 MS. BAGLIVI: What time?

2 THE COURT: Nine o'clock, always, 9:00 --

3 UNIDENTIFIED: What time?

4 THE COURT: 9:00 on Monday.

5 UNIDENTIFIED: Oh, okay.

6 THE COURT: We've got to get all that in, we start at  
7 nine.

8 (PAUSE - THE JURY LEAVES THE COURTROOM)

9 MR. WEICHSEL: Judge, just one minute?

10 THE COURT: You want me?

11 MR. WEICHSEL: Yeah.

12 (PAUSE)

13 THE COURT: Mr. Weichsel?

14 MR. WEICHSEL: Yeah, judge, just -- I'm asking for --  
15 or the family is asking for a favor. Apparently visiting --  
16 female visiting tonight is from 9:00 to 11:00 and the family  
17 wants to get Jessie back to Atlanta, to Conyers, because he has  
18 school and then Mr. and Mrs. Farthing may drive back to be back  
19 here Monday morning and we're just wondering if you can call  
20 the jail and see if they can get an early visiting -- I know  
21 the jail opens up for visiting at 6:30 or 7:00 but female  
22 visiting isn't until 9:00 to 11:00 and they -- they'd like to  
23 head back to Atlanta, to see if they can have the visit --

24 THE COURT: Yeah, I -- I really have absolutely no  
25 control over what happens in the jail. It's not within the

1 jurisdiction of the court.

2 MR. WEICHSEL: Well I'll -- I'll call.

3 THE COURT: I'll make the call if you want me to.

4 MR. WEICHSEL: Okay, I appreciate it.

5 THE COURT: Whether it has any effect or not I have  
6 no --

7 MR. WEICHSEL: Okay.

8 THE COURT: I mean the -- the -- the -- the hours and  
9 the routines in the jail are really controlled by the jail  
10 itself.

11 MR. WEICHSEL: I understand.

12 THE COURT: And I -- I wouldn't be surprised if so I  
13 call and say well we can't -- we can't disrupt anything over  
14 here because they've got their system and I'm not going to -- I  
15 can't -- in fact I'm pretty sure I can't.

16 MR. WEICHSEL: Well then I'll call over there, judge.

17 THE COURT: Yeah, why don't you call and if they want  
18 a call from me then I'll call.

19 MR. WEICHSEL: Okay, fine.

20 THE COURT: All right? If they say -- I have no  
21 problem with it, okay?

22 MR. WEICHSEL: Okay, fine.

23 THE COURT: Do it that way. But if they say I don't  
24 care who calls then we're not going to address it.

25 MR. WEICHSEL: Okay, thank you.

1 THE COURT: I have your verdict sheet for both of  
2 you. I'd like you to look at them today, now -- between now  
3 and 4:00 and if there's any problems with these that you see  
4 let me know and then we'll correct them --

5 MS. BAGLIVI: Sure.

6 THE COURT: -- so that we'll have it ready. I mean I  
7 don't want to be working on this Monday morning or something  
8 like that.

9 MS. BAGLIVI: No problem.

10 THE COURT: All right, this matter is recessed until  
11 9:00 Monday morning.

12 MS. BAGLIVI: Thank you.

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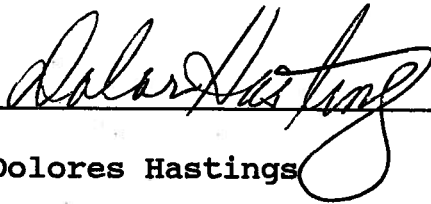
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CERTIFICATION

I, Dolores Hastings, the assigned transcriber, do hereby certify the foregoing transcript of proceedings in the Bergen County Superior Court, Law Division, Criminal Part, on November 21, 1996, on tape number 189-96, index number from 00:00:00 to 03:59:12, is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate non-compressed transcript of the proceedings as recorded.

  
Dolores Hastings

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AOC Number

KEMCO TRANS, INC.

Agency Name

7/4/97

Date